

PENN STATE LAW REVIEW



BYLAWS OF THE PENN STATE LAW REVIEW

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Table of Contents

Article 1 – Editorial Board.....	4
Section A – Members, Powers, and Responsibilities.....	4
(1) – The Editor-in-Chief.....	4
(2) – The Managing Editor.....	5
(3) – The Executive Comments Editor.....	5
(4) – The Executive Articles Editor.....	6
(5) – The Executive Research Editor.....	6
(6) – The Executive Online Editor.....	7
(7) – The Comments Editors.....	7
(8) – The Articles Editors.....	8
(9) – The Research Editor.....	8
Section B – Selection, Terms, and Vacancies.....	8
(1) – Selection.....	8
(2) – Term of Office.....	10
(3) – Vacancies on the Editorial Board.....	10
Section C – Impeachment of Editorial Board Members.....	10
Article 2 – Senior Editors.....	11
Section A – Duties.....	11
(1) – Mandatory Duties.....	11
(2) – Discretionary Duties.....	11
Section B – Appointment to Editorial Board Position.....	12
Article 3 – Associate Editors.....	12
Section A – Eligibility.....	12
(1) – Generally.....	12
(2) – Returning and Transferring Second-Year Students.....	12
Section B – Obligations of Associate Editors.....	12
Section C – Comment-Writing Program.....	13
(1) – Stages and Assignments of the Program.....	13
(2) – Establishing the Timeline of the Program.....	13
(3) – Guidelines for Comment-Writing Program.....	14
(4) – Advisory System.....	14
(5) – Obligations of Advisors.....	15
(6) – Outline Requirements.....	16
(7) – Evaluating Comments.....	16
Section D – Admissions Process.....	19
(1) - Determination of Eligibility.....	19
(2) – Number of Offers.....	19
(3) – Class-Rank Priority Admission (CRPA).....	20
(4) – Write-On Membership.....	20
(5) – Personal Statement Requirement.....	24
Article 4 – Discipline.....	25
Section A – Definitions.....	25

(1) – Definition of “Late”	25
(2) – Definitions of “Inadequate”.....	26
Section B – Late and Inadequate Editing Assignments.....	26
Section C – Late and Inadequate Comment-Writing Program Assignments.....	27
(1) – Late Drafts or Final Copies	28
(2) – Inadequate Drafts or Final Copies	28
(3) – Other Late or Inadequate Comment-Writing Program Assignments.....	28
Section D – Extension of Assignment Deadlines.....	29
Section E – Honor Code Obligations of All Members	30
Section F - Disciplinary Authority of the Editor-in-Chief.....	30
(1) – Mandatory Meetings	30
(2) – Associate Editor Discipline.....	31
Section G – Plagiarism.....	31
(1) – Generally	31
(2) – Plagiarism Committee	31
(3) – Responsibilities of the Committee	32
(4) – Process for Investigating Alleged Plagiarism.....	32
<i>Article 5 – Resignation of Membership</i>	<i>34</i>
<i>Article 6 – The Articles Selection Committee</i>	<i>34</i>
<i>Article 7 – Publication Schedules</i>	<i>36</i>
<i>Article 8 – Bylaws Committee; Force Majeure Clause Regarding Dickinson Reunification</i>	<i>37</i>
<i>Article 9 – Amendments</i>	<i>38</i>
<i>Article 10 – Authorization.....</i>	<i>38</i>

Article 1 – Editorial Board

Section A – Members, Powers, and Responsibilities

The Editorial Board of the Penn State Law Review (hereinafter “Board”) shall consist of:

(1) – The Editor-in-Chief

One (1) Editor-in-Chief, who shall

- (a) Coordinate article manuscript processing for the Law Review from the time of receipt until the time of publication;
- (b) Determine, subject to Board approval, the duties of each member for each semester in accordance with the Bylaws of the Penn State Law Review (hereinafter “Bylaws”);
- (c) Coordinate the efforts of other members of the Board, the Penn State Law staff, and participants in the writing competition;
- (d) Serve as Chairperson of the Article Selection Committee (as defined in [Bylaw Article 6](#));
- (e) Consult with the Faculty Advisor during the topic selection process before approving controversial Comment topics;
- (f) Submit to the Faculty Advisor, for abuse of discretion review only, any manuscript drafted by an Associate Editor and submitted for consideration for publication in the Law Review’s published issues (hereinafter “Comment”) if such manuscript has been rejected as not publishable, in which case the Editor-in-Chief shall write an opinion on behalf of the Law Review specifically stating the reason why the Associate Editor is not receiving academic credit;
- (g) Convene and preside over all meetings of the Board and of the general membership of the Law Review;
- (h) Submit to the Faculty Advisor, for abuse of discretion review only, names of members who the Editor-in-Chief, in consultation with the Managing Editors, has designated to receive credit. This document shall include a formal explanation for any such action regarding to members not designated to receive credit;
- (i) Inform the Faculty Advisor of amendments to the Constitution or Bylaws after they are approved by the membership;
- (j) Take any other actions, consistent with the Constitution and Bylaws, which are necessary in accomplishing the Law Review’s purposes;
- (k) Create a publication schedule for each issue and oversee the editing process to ensure compliance therewith, in consultation with the Managing Editor and the Executive Articles Editor; and

- (l) Submit an Executive Editorial Board Report to the Law Review membership, at a minimum of twice per semester.

(2) – The Managing Editor

One (1) Managing Editor who shall:

- (a) Serve as the principal assistant to the Editor-in-Chief with regard to the administrative functions of the Law Review for the purposes of any matter related to the Comment-Writing Program and/or the Associate Editors;
- (b) Supervise the portion of the Comment-Writing Program involving Associate Editors and act as the final authority on all rules regarding the Comment-Writing Program, provided that the Managing Editor may also delegate responsibility for organizing and administering the Comment-Writing Program to the Executive Comments Editor and the Comments Editors;
- (c) Act as a secondary advisor to the Associate Editors pursuant to [Bylaw Article 3 \(C\) \(4\) – \(5\)](#);
- (d) Act as a comment evaluator pursuant to [Bylaw Article 3\(C\) \(7\) \(b\)](#);
- (e) Supervise the Comment editing process for publication in forthcoming issues;
- (f) Ensure that the Law Review issues are printed according to the publication schedule by assisting the Editor-in-Chief in preparing issues in advance of upcoming deadlines and, if necessary assume the Editor-in-Chief’s publication responsibility of Comments for any delayed issue, pursuant to [Bylaw Article 7 \(D\)](#);
- (g) Assume the administrative functions of the Editor-in-Chief with regard to any matter related to the Comment-Writing Program and/or Associate Editors in his or her absence; and
- (h) Annually review, in conjunction with the Editor-in-Chief, the Executive Articles Editor, and the Executive Research Editor, the Law Review’s Writing and Bluebook Manual, template documents, and Orientation Manual, and recommend changes to the Board for approval.

(3) – The Executive Comments Editor

One (1) Executive Comments Editor who shall:

- (a) Supervise and administer the Law Review’s Write-On Competition, including but not limited to creating a Canvas page (or the equivalent) for purposes of releasing materials to Juniors, consulting with the Registrar to determine which Juniors are eligible for Law Review membership, and consulting with the Dean of Academic Success (or the equivalent) to determine if applicants have violated the Honor Code;
- (b) Create the Write-On Competition assignment;

- (c) Share duties regarding the Comment-Writing Program with the Comments Editors;
- (d) Act as a primary advisor to the Associate Editors and, as needed, serve as secondary advisor to the Associate Editors pursuant to [Bylaw Article 3\(C\)\(4\)-\(5\)](#); and
- (e) Act as a comment evaluator pursuant to [Bylaw Article 3\(C\)\(7\)\(b\)](#).

(4) – The Executive Articles Editor

One (1) Executive Articles Editor who shall:

- (a) Exercise primary responsibility for organizing and coordinating the annual symposium, should the Law Review decide to hold a symposium, working in conjunction with the Editor-in-Chief;
- (b) Solicit topics for future symposia to be discussed by the Board;
- (c) Organize and coordinate any special academic programs sponsored by the Law Review;
- (d) Collaborate with the Executive Online Editor to explore new electronic publication and marketing opportunities for articles, symposia, and academic programs;
- (e) Serve on the Article Selection Committee;
- (a) Serve as the direct supervisor to the Articles Editors; and manage, in consultation with the Editor-in-Chief, the Article-editing process for each issue;
- (b) Manage administrative aspects of article selection and article review prior to article selection;
- (c) Participate in the editing of articles for the symposium issue;
- (d) Make initial editing assignments for articles; and
- (e) Assist the Editor-in-Chief in reviewing all articles for compliance with the Law Review’s publication standards.

(5) – The Executive Research Editor

One (1) Executive Research Editor who shall:

- (a) Create the citation quiz for the Write-On Competition;
- (b) Serve as the final citation authority for both the Comments and Articles selected for publication to ensure consistent application of the Bluebook and Penn State Law Review Writing and Citation Manual;
- (c) Manage the source-check process for each issue, including but not limited to, distributing the source-check assignments and conducting at least two (2) rounds of below-the-line edits on the articles;

- (d) Lead a minimum of one (1) Bluebook training session per academic year, and determine if additional Bluebook training sessions are needed throughout the academic year;
- (e) Serve on the Article Selection Committee to review Article citations for publishable quality;
- (f) Annually review and maintain the Penn State Law Review Writing and Citation Manual, in conjunction with the Editor-in-Chief and Managing Editor; and
- (g) Edit citations in the articles being produced through the *Penn Statim*.

(6) – The Executive Online Editor

One (1) Executive Online Editor, who shall:

- (a) Maintain online content of the Law Review;
- (b) Determine the scope of content provided in the online format, and the editorial processes for any and all online content, in consultation with the Editor-in-Chief and the Executive Articles Editor;
- (c) Solicit appropriate material for online publication;
- (d) Supervise and/or conduct editorial processes for online content;
- (e) Collaborate with the Editor-in-Chief and the Executive Articles Editor to ensure that online content meets the publishable quality and professional standards of the Law Review;
- (f) Supervise and maintain the contract with the publisher of the *Penn State Law Review*;
- (g) Handle any matter relating to the licensing of the intellectual property of the *Penn State Law Review* including, but not limited to, seeking ways to publicize new *Penn State Law Review* scholarship and otherwise seeking to enhance the online presence of the Law Review; and
- (h) In conjunction with the Editor-in-Chief, assign any of the duties listed in [Bylaw Article 2\(A\)\(1\)\(d\)](#) to the Senior Editors.

(7) – The Comments Editors

Four (4) Comments Editors who shall:

- (a) Assist the Executive Comments Editor in grading write-on submissions;
- (b) Organize and coordinate the Comment-Writing Program under the supervision and direction of the Managing Editor;
- (c) Act as primary advisors for editing Comments as primary advisors pursuant to [Bylaw Article 3\(C\)\(4\)-\(5\)](#);
- (d) Act as the final Comment evaluators as to the publishable quality of Comments pursuant to [Bylaw Article 3\(C\)\(7\)](#); and
- (e) Advise the Managing Editor as to the publishable quality of Comments.

(8) – The Articles Editors

Four (4) Articles Editors who shall:

- (a) Serve on the Article Selection Committee;
- (b) Advise the Editor-in-Chief and the Executive Articles Editor as to the publishable quality of articles through primary editing of Articles selected for publication in forthcoming issues; and
- (c) Exercise primary responsibility for editing and preparing Articles for publication, at the discretion of the Executive Articles Editor.

(9) – The Research Editor:

One (1) Research Editor who shall:

- (a) Assist with the Comment-Writing Program;
- (b) Collect topics for the Comment-Writing Program;
- (c) Oversee the completion of preclusion checks by Associate Editors for final approval by the Managing Editor;
- (d) Serve as citation authority for the Comment-Writing Program, the Comments selected for publication in previous academic year;
- (e) Edit citations in the student Comments chosen for publication during the previous academic year; and
- (f) Edit citations in the articles being produced through the *Penn Statim*.

Section B – Selection, Terms, and Vacancies

(1) – Selection

- (a) The entire Board shall select the successive Board from among the Associate Editors eligible for consideration, provided, however, that all Associate Editors who comply with the process set forth in [Bylaw Article 1\(B\)\(1\)\(c\)](#) shall be considered prior to consideration of any Associate Editor who fails to comply with said process. For the purpose of selecting the successive Board, a quorum shall consist of three-fourths of the Editorial Board, and such a quorum shall be necessary to conduct interviews and make selections except as these Bylaws provide otherwise.
- (b) All Associate Editors in good standing are eligible for consideration for membership on the Board during the following year. “Good standing” means that the Associate Editor has completed the Comment writing process without any disciplinary action resulting in a probationary status that was

not successfully appealed or otherwise excused under Bylaw Article 4(D).

- (c) The Editor-in-Chief, in consultation with the Board, shall establish a deadline each year for Associate Editors to submit an application packet establishing an Associate Editor's candidacy for a position on the successive Board. The application packet shall include a current resume, a written statement of interest, and an editing sample. The current resume shall omit class rank and Grade Point Average. The statement of interest shall state the Associate Editor's qualifications and suitability for each position applied for and, where applying for more than one position, the order of personal preference for all positions applied for. The editing sample shall be the Associate Editor's revised version of a 2,000 word or shorter document supplied to each Associate Editor by the Editor-in-Chief no later than seven (7) days prior to the deadline established pursuant to this section.
- (d) Any Associate Editor or Senior Editor may submit to the Editor-in-Chief and the Managing Editor a statement either in support of or in opposition to any particular applicant for any position. The Managing Editor shall collect all submitted statements and distribute them to the Board at least twenty-four (24) hours prior to the applicant's interview. If an Associate Editor or Senior Editor requests that his or her submission remain anonymous, the Managing Editor shall redact the Associate Editor's or Senior Editor's name before circulating that statement to the Board.
- (e) After the period for notification of applications has expired, the Editor-in-Chief will schedule interviews for at least those positions receiving a greater number of applications than positions available. The current Board will conduct the interviews, and the Editor-in-Chief will preside over the interview process.
- (f) Following the conclusion of the final interview, a quorum of the Board shall meet and deliberate regarding the election of members to the successive Board. Any Board member may offer statements in support of or in opposition to any Associate Editor during these deliberations. The Board will select, by majority vote, the individual applicant who will be offered a given position, provided, however, that any Board member who did not attend an applicant's interview, via in-person or telecommunication, may not participate in a vote involving that applicant nor will such Board member be counted in determining a majority for such vote.

(2) – Term of Office

The Board shall take office on April 30th of the year of their election. Their duties shall continue until April 30th of the following year.

(3) – Vacancies on the Editorial Board

- (a) Vacancy of Editor-in-Chief Position. Should the position of Editor-in-Chief become vacant for any reason, the Managing Editor shall assume the duties of Editor-in-Chief.
- (b) Vacancy of other Board Positions. Should the positions of Managing Editor, Executive Articles Editor, Executive Comments Editor, Executive Articles Editor, Executive Research Editor, Executive Online Editor, Comments Editor, or Articles Editor become vacant for any reason, the Board, pursuant to [Bylaws Article 1\(B\)\(3\)\(c\)](#), shall appoint a member of the current Board or a Senior Editor to fill the vacant position.
- (c) Procedure for Appointment. When a Board position becomes vacant, the Editor-in-Chief or the Managing Editor shall immediately notify the Board, Senior Editors, and Associate Editors. Thereafter, the remaining Board members shall solicit candidates for the position and establish the procedure for selecting the candidate. A candidate shall fill the vacant position upon receiving a majority vote of the Board.
- (d) Lack of Candidates. If there are no current Board members willing and no current Board members or Senior Editors able to fill a vacant position other than Editor-in-Chief, the Editor-in-Chief shall reassign the duties to have been performed by the person holding such position to other members of the Board as the Editor-in-Chief, acting in good faith, determines to be reasonable and necessary to ensure the timely completion of such duties.

Section C – Impeachment of Editorial Board Members

- (1) An impeachment procedure for any member of the Board may be initiated by a petition signed by:
 - (1) a simple majority of the Associate Editors, Senior Editors, and Board, or
 - (2) two-thirds of the Board. The petition shall contain the reasons for initiating the process.
- (2) Once the petition has been submitted to the Editor-in-Chief, the Editor-in-Chief shall schedule a meeting with the Board and the individual. If the individual is the Editor-in-Chief, the meeting shall be scheduled and run by

the Managing Editor.

- (3) The individual shall be given the opportunity to respond to the signed petition, after which the entire membership of the Law Review, except the member under impeachment review, shall vote by secret ballot. A two-thirds majority is necessary for impeaching a Board member. To be final, any proper impeachment shall be approved by the faculty advisor.

Article 2 – Senior Editors

Section A – Duties

Each Senior Editor shall be responsible for:

(1) – Mandatory Duties

- (a) Read and evaluate written submissions for the Write-On Competition;
- (b) Participate in source-checks at the request of the Research Editor;
- (c) Perform any other duty necessary in furtherance of the Law Review’s work, as determined by the Board; and
- (d) Assist the Executive Online Editor, including by:
 - (i) Assisting in maintaining and editing online content;
 - (ii) Soliciting topics and authors for online content; and
 - (iii) Conceptualizing new ways to improve the Law Review’s online presence.

(2) – Discretionary Duties

At the discretion of the Editor-in-Chief, Senior Editors may be assigned permanent or temporary responsibilities with respect to the administration of the Law Review. These responsibilities may be in addition to, or in replacement of, the mandatory duties of all Senior Editors, to be determined at the discretion of the Editor-in-Chief. More than one of these discretionary duties may be assigned to a single Senior Editor.

Such responsibilities may include, but are not limited to:

- (a) Assisting the Executive Articles Editor in planning the Law Review’s annual symposium; or
- (b) Serving as the Director of Alumni Relations, under the direction of the Editor-in-Chief, who shall:
 - (i) – maintain the Law Review alumni archives;
 - (ii) – plan at least one event for Law Review alumni per year; and

- (iii) – provide information about Law Review Alumni to Associate Editors, either upon specific request or in a manner openly accessible to all Law Review members; or
- (c) Maintaining the Law Review’s Outline Archive; or
- (d) Any other responsibility that the Editor-in-Chief shall deem necessary to assist in the efficient operation of the Law Review.

Section B – Appointment to Editorial Board Position

When appointed by the Board to fill a vacancy, a Senior Editor must assume the position and diligently perform the duties required by the position unless the Senior Editor is able to demonstrate to the satisfaction of the Editor-in-Chief sufficient reasons why the Senior Editor is unable to perform such duties. Failure to accept such appointment in the absence of excuse from the Editor-in-Chief will result in the Senior Editor’s dismissal from Law Review and the rescission of any academic credits awarded for his or her service as a Senior Editor.

Article 3 – Associate Editors

Section A – Eligibility

(1) – Generally

Juniors shall be invited to seek membership on the Law Review staff in the manner provided in [Bylaw Article 3\(D\)](#).

(2) – Returning and Transferring Second-Year Students

Students who have been readmitted to Penn State Law as second-year students after a period of absence and students who transfer to Penn State Law as second-year students will be eligible for membership only via the writing competition described in [Bylaw Article 3\(D\)\(4\)](#).

Section B – Obligations of Associate Editors

An Associate Editor must satisfy the following requirements:

- (1) Complete editing assignments and verify the citations used by authors of articles designated for inclusion in forthcoming issues of the Law Review.
- (2) Prepare a Comment of publishable quality.

- (3) Demonstrate a sincere, cooperative, and conscientious attitude toward furtherance of the Law Review's work.
- (4) Be willing and able to commit to four (4) consecutive semesters of Law Review membership. No student may be a member of the Law Review for more than four (4) academic semesters. Only spring and fall academic semesters during which the student is enrolled at the law school will satisfy this provision. Exceptions to this provision shall be made by the joint decision of the Editor-in-Chief and the Managing Editor on a case- by-case basis. One such exception may include extended membership for joint degree students.

Section C – Comment-Writing Program

(1) – Stages and Assignments of the Program

Comment stages include the following:

- (a) Submission of two (2) to three (3) prospective topics;
- (b) Submission of a topic summary and preclusion check for each topic;
- (c) Submission of one (1) Comment outline;
- (d) Submission of a typed first draft submission for review by primary advisors and Turnitin.com (or the equivalent);
- (e) Submission of a typed second draft for review by primary and secondary advisors and Turnitin.com (or the equivalent);
- (f) Submission of a typed third draft for review by primary and secondary advisors and Turnitin.com (or the equivalent);
- (g) Submission of an abstract for review by primary and secondary advisors; and
- (h) Submission of a typed final Comment for review by Comment evaluators and Turnitin.com (or the equivalent).

(2) – Establishing the Timeline of the Program

The Managing Editor and the Executive Comments Editor shall establish a schedule

and deadlines for each stage of the Comment-Writing Program, in consultation with the Editor-in-Chief. This program will begin on the date that all candidates have been notified of their membership and shall extend to the final submission of all Comments. An Associate Editor's failure to meet any deadline will result in disciplinary action pursuant to [Bylaw Article 4](#). The waiver of an absolute deadline may be granted pursuant to [Bylaw Article 4](#).

(3) – Guidelines for Comment-Writing Program

- (a) A Law Review member should aspire to contribute substantially to knowledge by providing an original and creative analysis of a legal issue such as a recent judicial decision of significance and interest to the legal community. The proposed Comment should be grounded on primary sources that may include, but are not limited to, case law, statutes, or scholarly literature from other fields such as government, economics, business, philosophy, science, or technology.
- (b) Formal requirements for the final submission of Comments shall be adopted by the Board each year to the extent that the same are not set forth in these Bylaws.
- (c) Comments shall be anonymously graded. The Managing Editor, after consultation with the Comments Editors and Editor-in-Chief, shall select the highest graded Comments for publication, provided that the Managing Editor may exclude a Comment from consideration for publication where the Editor-in-Chief, acting in good faith, determines that such exclusion would be in the best interest of the Law Review. In no event shall more than twelve (12) Comments be selected for publication in one volume.

(4) – Advisory System

(a) – Primary and Secondary Advisors

The Managing Editor will appoint two advisors for each Associate Editor, which shall consist of a primary and secondary advisor. The primary advisor shall be a Comments Editor or Executive Comments Editor, and the secondary advisor shall be the Managing Editor or Executive Comments Editor. The Associate Editor shall know the identity of both advisors. The Managing Editor shall advise and instruct the primary and secondary advisors as to their responsibilities.

(b) – Goals of Advisors

Advisors shall supervise and communicate regularly with their Associate Editors

throughout the Comment writing process. Advisors shall be responsible for guiding the Associate Editor's substantive research and Comment outline. In addition, advisors must thoroughly review the Associate Editor's drafts per the standards set forth in [Bylaw Article 3\(C\)](#) and return the drafts and a completed evaluation sheet to the Managing Editor and the Associate Editor. Advisors shall inform the Managing Editor if an Associate Editor's Comment draft is deficient or if an Associate Editor failed to meet requisite deadlines.

(c) – Advising Structure

- (i) Each primary advisor shall be principally responsible for supervising at least one Associate Editor throughout the Comment writing process. In this role, the primary advisor must adhere to the duties and responsibilities set forth in the Constitution and Bylaws. The primary advisor must review all three drafts of his or her Associate Editor(s) during the Comment writing process in accordance with the “of publishable quality” standard set forth in [Bylaw Article 3\(C\)\(7\)\(a\)](#) and return a completed evaluation sheet to the Associate Editor and the Managing Editor.
- (ii) Each secondary advisor shall read and evaluate drafts of his or her respective Associate Editor(s). Secondary advisors shall diligently review the second and third drafts, provide notes on the drafts, and notify the primary advisor, the advisee, and the Managing Editor regarding material problems, unsupported propositions, or errors. The Managing Editor shall define the scope and responsibilities of each secondary advisor during the Comment writing process.

(5) – Obligations of Advisors

(a) – General Duties

- (i) Advisors shall be available as an informational source for Associate Editors seeking guidance throughout the Comment writing process.
- (ii) Associate Editors who have problems with their advisors shall notify the Managing Editor in writing.
- (iii) Any advisor who reads and scores an Associate Editor's rough draft and perceives a problem that could result in rejection of the Comment for failure to meet a mandatory requirement shall note on the evaluation sheet the perceived problem and notify in writing both the Managing Editor and the Associate Editor.

(b) – Substantive Research Assistance

- (i) Advisors shall direct advisees so as to properly exhaust all relevant sources and authorities.
- (ii) Advisors shall explain that Comments are principally based on primary sources and shall monitor the advisee's research accordingly.
- (iii) Advisors shall ensure that the advisee's research adequately substantiates the advisee's premises.

(c) – Rough Drafts

- (i) By the time advisors read the first draft of a Comment, they shall be familiar with the direction that the Comment will take.
- (ii) Advisors shall make sure that citations are proper and shall assist the advisee in using proper citation form.
- (iii) In critiquing a rough draft, advisors shall inform the advisee of suggested improvements.
- (iv) Advisors shall not substantially draft or correct the advisee's Comment.
- (v) Advisors shall be as helpful as possible; however, they should not contribute substantially to the advisee's Comment.
- (vi) If material problems or errors exist, advisors shall notify the Managing Editor and the Associate Editor advisee in writing.

(6) – Outline Requirements

A complete and detailed outline greatly facilitates the actual writing of a Comment and enables the Associate Editor to meet subsequent deadlines with adequate time for revision. An outline should meet the requirements established from time-to-time by the Managing Editor and the Executive Comments Editor.

(7) – Evaluating Comments

(a) – “Of Publishable Quality” Standard

In evaluating the “publishable quality” of a Comment, the following factors will be considered:

- (i) Writing Quality. Writing quality shall include, but is not limited to: (a) grammar, (b) correct punctuation, and (c) style and composition.
- (ii) Research. Research shall include, but is not limited to: (a) thoroughness of study and (b) adequate documentation.
- (iii) Analysis and Understanding of Issue. This factor shall include, but is not

limited to, a unique and thoughtful commentary on the Comment's topic.

- (iv) **Organization.** Comments shall generally adhere to the following structure: (a) Introduction, (b) Background, (c) Analysis, and (d) Conclusion.
- (v) **Mechanical Considerations.** Mechanical considerations shall include, but are not limited to: correct citation, correct spelling, adequate page count, and conformance to all formal requirements as provided in [Bylaw Article 3\(C\)\(3\)](#) for final submission of the Comment.

These five factors shall be incorporated into an evaluation sheet to be used by persons tasked with evaluating the Comment, and each factor may be further subdivided into two or more sub-factors. An evaluator shall assign a score to each factor and sub-factor on the evaluation sheet, with the score of any factor having sub-factors being the total of the score for such sub-factors.

The Managing Editor shall determine the range of scores possible for each factor or sub-factor, with zero (0) being the lowest score possible for any item, indicating a total failure of the Comment to satisfy a factor or sub-factor. Evaluators shall use these evaluation sheets to determine if the Comment is publishable; failure to achieve a satisfactory score on at least one factor may result in rejection of the Comment. Additionally, the Managing Editor or Executive Comments Editor may establish certain Comment requirements which must be met in order for the Comment to be considered publishable. Despite one or more unsatisfactory scores on one or more factors, an evaluator may conclude that a Comment is of sufficient quality if the Comment would be publishable with no more than a reasonable amount of editing. An evaluator may deem a Comment unpublishable if the Comment is egregiously unsatisfactory for at least one factor or if the overall quality of the Comment is such that extensive editing would be required prior to publication.

(b) – Evaluation Process

- (i) The successful completion of the Comment-Writing Program is a fundamental requirement of continuing membership. If an Associate Editor fails to submit a Comment of publishable quality, the Associate Editor shall receive no credit for Law Review membership. For purposes of [Bylaw Article 3\(C\)\(7\)\(b\)](#), the “Comment Evaluators” evaluating Comments shall include the Comments Editors, the Managing Editor, and the Executive Comments Editor.
- (ii) The Comment Evaluators shall make the initial determination as to the publishable quality of the submitted Comment, under the criteria set forth in [Bylaw Article 3\(C\)\(7\)\(a\)](#).

- (AA) Each Comment must be reviewed by at least four (4) Comment Evaluators, excluding any Comments Editor, Executive Comments Editor, or Managing Editor who completed an evaluation sheet for any draft of the Comment. The four (4) Comment Evaluators will then vote on the publishable quality of the Comment by secret ballot or other method as determined to be appropriate by the Managing Editor.
- (BB) Any Comment that receives more than one (1) vote denying publishable quality will be deemed unsatisfactory and shall be returned to the Associate Editor with a written description of the problems that the Comment Evaluators have identified. The Associate Editor will then have ten (10) days to resubmit a corrected copy of the Comment for reconsideration by the Comment Evaluators. A majority of the Comment Evaluators may vote to extend the period for revision, but under no circumstances may the period exceed three (3) weeks.
- (CC) If, upon resubmission under the previous subparagraph, the Comment Evaluators, by secret ballot vote or other method as determined to be appropriate by the Managing Editor, still deem the Comment to be unsatisfactory, then the Associate Editor will be temporarily placed on probationary membership pending review of his or her Comment by a committee as set forth under [Bylaw Article 3\(C\)\(7\)\(b\)\(iii\)](#).
- (DD) The Associate Editor may seek review under [Bylaw Article 3\(C\)\(7\)\(b\)\(iii\)](#) by filing a written request with the Editor-in-Chief. Should the Associate Editor fail to seek review under [Bylaw Article 3\(C\)\(7\)\(b\)\(iii\)](#) within ten (10) days of the notification of the Comment Evaluators' decision, then removal from membership shall be deemed final subject only to the review by the Faculty Advisor as set forth in [Bylaw Article 3\(C\)\(7\)\(b\)\(iv\)](#).
- (iii) Any Associate Editor whose Comment has been rejected after resubmission may seek review of the decision by a committee composed of the Editor-in-Chief, Managing Editor, two (2) Articles Editors, Executive Comments Editor, and two (2) Senior Editors, provided that those members who completed an evaluation sheet for any draft of the Comment should be excluded from serving on this committee unless no other members are available to serve. The Articles Editors and the Senior Editors shall be chosen by the Managing Editor. The purpose of the committee is to determine whether reasonable grounds exist to deem the Comment unpublishable. The committee's evaluation should be tailored to such purpose. The Associate Editor who wrote the Comment and

the Comment Evaluators who graded the Comment may present their opinions to the committee. The committee shall then vote on the Comment's publishable quality. To reverse the decision of the Comments Editors and accept the Comment as publishable, at least five (5) members of the committee must vote in favor of publishable quality. If the Comment receives at least five (5) votes in favor of publishable quality, the Associate Editor shall be reinstated to full Law Review membership, except for such disciplinary measures as may be otherwise assessed under the Constitution or Bylaws. If the Comment fails to receive five (5) votes in favor of publishable quality, the Associate Editor shall be permanently removed from Law Review membership and lose all academic credit associated therewith.

- (iv) A member whose Comment has been rejected pursuant to [Bylaw Article 3\(C\)\(7\)\(b\)\(ii\)](#) and (iii) may appeal the decision to the Faculty Advisor, who shall overturn the decision for abuse of discretion only. The appeal must be in writing and must provide a statement of reasons why the decision constituted an abuse of discretion. If such abuse is found, the Faculty Advisor shall notify the Dean, and the removed member shall be reinstated to full Law Review membership.

Section D – Admissions Process

(1) - Determination of Eligibility

No person whose Grade Point Average falls below 3.0 or whose class rank is below the top fifty (50) percent of the class at the beginning of his or her 2L year shall be eligible for Law Review membership. This information shall be publicized at the Law Review Information Session to be held during the Spring semester of each year and in all other communications relating to solicitation of members for the Law Review. The Executive Comments Editor shall consult with the Office of the Registrar of the law school to ensure that each applicant meets the requirements listed herein.

(2) – Number of Offers

The total number of membership offers extended on the basis of the write-on competition shall be determined annually at the discretion of the Editor-in-Chief, within reason, considering factors such as the present needs of the Law Review and the need to maintain prestige associated with Law Review membership. Only students with class rank 1–10 shall be eligible for Grade-On Membership under Article 3(D)(3). There shall not be a greater number of members admitted through grade-on than those admitted through the highest scores in the write-on competition, unless there is a tie that would result in more than 10 students occupying ranks 1–10. In that case, admission is subject to the discretion of the Editor-in-Chief, Managing

Editor, and Executive Comment Editor.

In light of changing circumstances surrounding Penn State Law's reunification with Dickinson Law, the Editor-in-Chief, Managing Editor, and Executive Comments Editor shall collectively determine how to adjust Law Review Grade-On offers in response to vacancies for students who rank within the top ten of their class who transfer to another institution, if necessary. The Editor-in-Chief, Managing Editor, and Executive Comments Editor shall make decisions by majority vote to ensure that Associate Editor positions are filled and facilitate the continued operations of the PENN STATE LAW REVIEW.

(3) – Class-Rank Priority Admission (CRPA)

Following the release of grades at the conclusion of the Spring Semester, and prior to July 1 of the same year, the Editor-in-Chief and the Managing Editor shall formally invite, in accordance with [Bylaw Article 3\(D\)\(2\)](#), the 2Ls occupying class ranks 1–10 who are eligible for Law Review membership at the time of the offer, provided that such 2Ls participated in the write-on competition in good faith. Good faith participation in the Write-On Competition should correlate with the top two-thirds of submission scores but is ultimately determined at the combined discretion of the Editor-in-Chief, Managing Editor, and Executive Comment Editor. Invitees shall have one (1) week from the date of the invitation to respond by filling out an application for membership and commitment agreement. A complete, affirmative response will confer Law Review membership on the invitee, which may be revoked if the invitee subsequently fails to attend the Law Review orientation without good reason as determined by the Managing Editor in conjunction with the Editor-in-Chief. If an invited grade-on invitee declines membership, the vacant grade-on membership slot will not be filled. Moreover, if a grade-on member accepts an invitation but proceeds to transfer to another institution at any time after write-on offers are extended, the vacant grade-on membership slot will not be filled.

(4) – Write-On Membership

(a) – Write-On Competition

The Law Review shall participate in the Write-On Competition with the other legal journals at Penn State Law. At the time determined for the Write-On Competition, and consistent with these Bylaws, the Executive Comments Editor shall release the closed packet of research materials necessary to complete the Write-On Competition. Students will have ten (10) days to complete the Write-On Competition, at which time they must electronically submit the assignment via a platform selected by the Executive Comments Editor. No submission will be deemed complete without an electronic certification that the student tendering the submission has not violated the

appropriate provisions of the Honor Code, as provided in [Bylaw Article 3\(A\)\(1\)\(a\)](#), and that the student's class rank and Grade Point Average at the beginning of his or her 2L year satisfy the requirements set out in [Bylaw Article 3\(D\)\(1\)](#). If it is found that a Junior has misrepresented his or her compliance with the Honor Code on his or her application for membership, the Executive Comments Editor shall disqualify the Junior for Law Review Membership. In the event that the misrepresentation is found after the Junior has accepted Law Review membership, said membership shall be immediately revoked, and the Junior may not be allowed to reference Law Review membership on his or her resume.

(b)– Process for Extending Offers

Membership on the basis of the written submission shall be offered to the eligible participants receiving the highest aggregate score, up to the membership limit established by the Editor-in-Chief pursuant to [Bylaw Article 3\(D\)\(2\)](#), excepting any participants who were extended grade- on offers pursuant to [Bylaw Article 3\(D\)\(3\)](#). This process shall be performed by the Executive Comments Editor, who shall certify the submissions qualifying for membership to the Editor-in-Chief and the Managing Editor no later than July 1 prior to new member orientation. The Editor-in-Chief and the Managing Editor shall formally invite those individuals to become members of the Law Review on the basis of superior performance on the written submission. Invitees shall have one (1) week from the date of the invitation to respond by filling out an application for membership and commitment. A complete, affirmative response will confer Law Review membership on the invitee. Membership may be revoked if the invitee subsequently fails to attend the mandatory Law Review orientation. Announcement of both CRPA and write-on members will be made concurrently in such a way that the basis for admission is not discernible from the announcement.

(c)– Evaluation of Competition Entries

Each Senior Editor and Comments Editor shall evaluate the written submissions in the following manner:

- (i) Each Write-On Competition participant shall electronically submit the written document in the manner determined by the Executive Comments Editor.
- (ii) Upon receipt of the submissions, the Executive Comments Editor may assign each participant a random number only if the student's Fall or Spring semester exam number is not already being used to ensure anonymity. Such number shall fall within the range of numbers bounded by the smallest and largest exam numbers used by other Write-On Competition participants,

provided that said number may not be duplicative of a number already in use by a participant. The number shall be the only identifying mark placed on each submission during the evaluation process.

- (iii) Each written submission entered in the competition shall be evaluated by as many Comments Editors and Senior Editors as determined to be appropriate by the Executive Comments Editor. Additional Law Review members may assist in the evaluation of competition entries as needed, subject to the discretion of the Editor-in-Chief, the Managing Editor, and the Executive Comments Editor, provided that Comments Editors are utilized first, then Senior Editors, and then other Law Review members. Each submission must be evaluated by no fewer than four (4) Law Review members. The Executive Comments Editor shall be responsible for the distribution of written submissions for evaluation and shall distribute them as evenly as possible among the graders.
- (iv) Each grader shall give every submission evaluated a numerical rating. The following criteria shall apply for assessing a numeral rating unless alternative criteria are established by the Executive Comments Editor and approved by a majority vote of the Board:
 - (AA) Mechanics – ten (10) percent of total score. Mechanics include proper citation form, proper typefaces, and conformance to all formatting requirements as determined by the Executive Comments Editor.
 - (BB) Writing Style – twenty (20) percent of total score. Writing style includes all factors affecting writing quality, which shall include, but are not limited to: proper grammar, punctuation, and spelling; complete and clear sentences; effective transitional phrases and sentences to introduce new ideas.
 - (CC) Organization – twenty (20) percent of total score. Organization includes such factors as whether ideas are presented in a logical format and whether thoughts flow between and within paragraphs.
 - (DD) Use of Authority – fifteen (15) percent of total score. Use of authority means that the writer has cited to proper authority where appropriate to support a proposition.
 - (EE) Analysis – thirty-five (35) percent of total score. Analysis refers to the writer’s grasp of the subject matter, resolution of relevant issues, assessment of the case or issue in relation to past law and future ramifications, and use of original ideas.

- (v) Each participant shall receive a total score from each grader. The lowest total score of each participant shall be dropped, with the remaining scores totaled to arrive at the participant's competition score.
- (vi) In addition to the participant's competition score, which shall comprise seventy-five (75) percent of the participant's final score, participants shall complete a mandatory citation quiz, organized and made available by the Research Editor, which shall comprise twenty-five (25) percent of the participant's final score.
- (vii) In the event that two participants receive the same score, which would entitle both of them to the last available write-on position, the Executive Comments Editor shall ask the Editor-in-Chief, who has not previously graded the submissions, to grade both submissions. In the event the Editor-in-Chief previously graded either submission, the Executive Comments Editor shall ask another Law Review member, who has not previously graded the submissions, to grade both submissions. Whoever receives the higher score based on this grading shall be offered membership.
- (viii) The Executive Comments Editor shall oversee the grading process and, with the approval of the Editor-in-Chief, may redistribute the competition pieces for grading if any Senior Editor or Comments Editor is unable to complete the evaluations. The Executive Comments Editor shall also tabulate and announce the results of the competition.
- (ix) No Law Review member shall aide a Junior in the completion or submission of a Write-On Competition entry. In the event that an Editor has aided a Junior in the completion or submission of a Write-On Competition entry, that Editor's conduct shall be treated as an Honor Code violation and shall be subject to disciplinary action set forth in [Bylaw Article 4\(E\)](#). A Junior may not receive aide of any kind from anyone regardless of their status as a Law Review Member. In the event that such conduct occurs, the conduct shall be treated as an Honor Code violation and shall be subject to disciplinary action set forth in [Bylaw Article 4\(E\)](#).
- (x) In accordance with Article 6 of the Constitution, the following circumstances constitute grounds for admission of fewer members than fifteen (15) percent of the Junior class membership. This list is not exhaustive.
 - (AA) Fewer than seventy (70) students or forty (40) percent of the Junior class, whichever number is greater, submit pieces for the Write-On Competition;

(BB) The Executive Comments Editor and Editor-in-Chief determine that the quality of some or all of the submitted competition pieces is below the quality demanded by the Law Review; or

(CC) The mandatory minimum number of new members to the Law Review would have a detrimental impact on the Law School's other journals by depleting the number of qualified Juniors participating in the Write-On Competition.

(5) – Personal Statement Requirement

(a) – Generally

The Law Review may require applicants to submit a personal statement, conforming to criteria set by the Managing Editor, in consultation with the Editor-in-Chief. The Managing Editor will read the personal statements and may advise the Executive Comments Editor and the Editor-in-Chief should any of the statements indicate a substantial lack of interest in Law Review membership and the responsibilities that such membership entails. If the Executive Comments Editor, the Managing Editor, and the Editor-in-Chief agree that a personal statement indicates a substantial lack of genuine interest in the work of the Law Review, applicants may be denied admission to the Law Review on such basis by a unanimous vote of the Executive Comments Editor, the Managing Editor, and the Editor-in-Chief.

(b) – Anonymity

The instructions for such personal statements shall require that applicants not identify themselves in their personal statement. The Managing Editor is responsible for determining whether this requirement has been complied with in good faith. If the Managing Editor determines that an applicant identified himself/herself in an effort to gain improper advantage in the admissions process, and not in a good faith effort to respond to the prompt, the applicant shall be disqualified.

Article 4 – Discipline

Section A – Definitions

(1) – Definition of “Late”

- (a) An assignment is late if it is submitted after the specified deadline, subject to the discretion of the Editor-in-Chief, Managing Editor, and Executive Comments Editor. The Editor-in-Chief, Managing Editor, and Executive Comments Editor may consider the nature and circumstances of the Associate Editor’s late submission in conjunction with the Associate Editor’s explanation to determine whether the late submission warrants discipline.
- (b) If an assignment’s instructions indicate that it must be submitted by multiple means (e.g., submitted via e-mail and Turnitin.com), the assignment is late if any of the required forms of submission are submitted after the deadline.
 - i. The first offense for a late submission of this nature—if only one form of submission was submitted late— shall result in a warning delivered by the Managing Editor or the Editor-in-Chief.
 - ii. The second offense for a late submission of the same nature shall result in the assignment’s designation as “Late” as defined under Bylaw Article 4(A)(1)(a). This designation subjects the member at issue to the disciplinary measures set forth in Sections B, C, and F of this Article.
- (c) Unless otherwise excused under [Bylaw Article 4](#), by the Editor-in-Chief, or by the Managing Editor, the technical failure or malfunctioning of the equipment of a member submitting an assignment does not excuse the late submission of an assignment.
- (d) However, if the technical failure or malfunction of the hardware, software, and/or telecommunications facility of the Law Review or the Law Review member who is responsible for collecting submissions prevents the timely submission of an assignment, then submissions that are late due to this technical failure or malfunction are excused.
 - (i) If such a Law-Review-based technical failure or malfunction occurs, the assigning Board member shall resolve the problem as soon as reasonably possible and inform all members who must submit the

assignment as to a new deadline and the method by which the assignment will be submitted.

(2) – Definitions of “Inadequate”

- (a) An inadequate submission is a submission that fails to meet the requirements and standards of the assignment.
- (b) The requirements and standards of all assignments shall be set forth by an assigning memorandum, the Orientation Manual, the Penn State Law Review Constitution, these Bylaws, and/or other written instructions provided to all members who are given an assignment.
- (c) The Penn State Law Review requires professional, high quality work that closely adheres to the instructions that are provided for all assignments.
- (d) To be adequate, all submissions for the Comment-Writing Program must satisfy the designated paragraph or page length; include appropriate citations; comply with the Bluebook and the Penn State Law Review Writing and Bluebooking Manual; feature original legal analysis; and be free of major grammar, spelling, and formatting errors.
- (e) At the discretion of the Research Editor, an evaluation sheet may be created to use in conjunction with source checking assignments. The Research Editor may use such an evaluation sheet to determine whether a source checking assignment is inadequate under this Bylaw. The evaluation sheet may take into consideration compliance with the Bluebook, compliance with Law Review citation rules, and compliance with the instructions listed in the assigning memorandum.

Section B – Late and Inadequate Editing Assignments

Every Law Review editing assignment shall set forth a date that the assignment is due. Unless previously stated otherwise in the Bylaws, the appropriate Board Member supervising the assignment may establish a corresponding due date with the following penalties for a late or inadequate assignment:

- (1) If a member submits one (1) assignment late in an academic year, he or she shall receive an extra assignment for that year as determined by the Editor-in-Chief.
- (2) If a member submits two (2) assignments late in an academic year, that member will be placed on probationary membership during that year and shall not be allowed to refer to membership in Law Review on his or her resume or in any

other capacity while the member remains on probationary membership. The member, however, shall continue to receive assignments during the year of probationary membership. The member shall also receive an extra assignment for that year as determined by the Editor-in-Chief. Probationary membership is removed, and the member will return to good standing if the member does not turn in any further late assignments for the academic year.

- (3) If a member submits three (3) assignments late in an academic year, that member will lose Law Review membership, retroactively effective to the semester the assignments were submitted late and will not receive any future credit for Law Review membership. That member is prohibited from making any further reference to his or her Law Review membership for any purpose and will be removed from the masthead of any Law Review publications published after the member loses Law Review membership.
- (4) If the Research Editor or the Editor-in-Chief determines that an assignment is inadequately performed, the Editor-in-Chief or the Research Editor may return the assignment to the member who submitted the inadequate assignment and give the member forty-eight (48) hours to correct the deficiencies. If the Research Editor or Editor-in-Chief returns the source check assignment to the member and the member's resubmitted assignment is also inadequate, the resubmitted assignment will be deemed a separate inadequate assignment and the member will not be given an opportunity to correct further deficiencies. Each inadequate assignment will be treated as one (1) late assignment for purposes of [Bylaw Article 4\(B\)\(1\)-\(3\)](#). If the same assignment is submitted late and is inadequate at the time it is submitted late, the member may be considered to have submitted two late assignments for purposes of [Bylaw Article 4\(B\)\(1\)-\(3\)](#). If the assignment is submitted more than one week late, the member may be considered to have submitted two late assignments for purposes of [Bylaw Article 4\(B\)\(1\)-\(3\)](#).
- (5) For purposes of computing the number of late assignments under [Bylaw Article 4\(B\)\(1\)-\(3\)](#), each "academic year" shall run from July 1st to June 30th and include any assignments due during that time period.
- (6) All action taken under [Bylaw Article 4\(B\)](#) may be appealed to the Faculty Advisor for an abuse-of-discretion review.
- (7) The provisions of [Bylaw Article 4\(B\)](#) shall not apply to Associate Editors' submissions related to the Comment-Writing Program to the extent that such penalties are set forth in [Bylaw Article 4\(C\)](#).

Section C – Late and Inadequate Comment-Writing Program Assignments

Unless otherwise specified, deadlines established under [Bylaw Article 3\(C\)\(2\)](#) are firm deadlines, and drafts or final copies of Associate Editors' Comments are due on the specified dates except as excused to the extent provided by [Bylaw Article 4\(D\)](#).

(1) – Late Drafts or Final Copies

Late submission of a draft or final copy of an Associate Editor's Comment shall result in that member's demotion to probationary membership for one complete semester, and the member shall not be entitled to refer to Law Review membership on his or her resume. If a member misses a deadline, the member shall continue to receive editing assignments during the period of suspension and must promptly submit the late draft or final copy.

- (a) Failure to submit a late draft or final copy within seven (7) days of the deadline may result in permanent removal from membership. Such removal may be carried out by majority vote of the Board.
- (b) In the case of the submission of a late final copy of a Comment that is subsequently deemed unpublishable, each day that the final copy is late shall be subtracted from any resubmission period granted under [Bylaw Article 4\(B\)\(2\)\(a\)](#).

(2) – Inadequate Drafts or Final Copies

If, in the opinion of the Managing Editor and the Editor-in-Chief, an Associate Editor submits an inadequate draft or final copy of a Comment, the Associate Editor:

- (a) shall resubmit an adequate draft or final copy within ten (10) days; and
- (b) may be assigned an extra editing assignment.

A second inadequate draft may be deemed a late draft by the Editor-in-Chief and the Managing Editor.

(3) – Other Late or Inadequate Comment-Writing Program Assignments

- (a) If, in the opinion of the Managing Editor or the Editor-in-Chief, an Associate Editor submits an inadequate version of any other assignment within the Comment-Writing Program, the Associate Editor:

- (1) shall resubmit an adequate version of the assignment within ten (10) days; and
 - (2) may be assigned an extra editing assignment.
- (b) If a Comment program assignment is not a draft or final copy, and is submitted late, it shall be treated and subject to discipline as a late editing assignment under [Bylaw Article 4\(A\)-\(B\)](#).

Section D – Extension of Assignment Deadlines

Law Review members may petition the Editor-in-Chief or the Managing Editor for additional time to complete any assignment due to extenuating circumstances, which shall be granted or withheld at the sole discretion of the Board member petitioned.

(1) – Extension of Editing Assignment Deadlines

- (a) If the petitioned member determines that more than seven (7) days additional time would be required to complete an editing assignment, the Board member may reassign the task to a different Law Review member, provided that said person will receive one
 - (1) fewer assignment from those as-yet unassigned during the current term of the Board and the petitioning member will receive one (1) additional assignment from same.
- (b) If an extension is granted for an editing assignment, the Executive Research Editor must be immediately notified of such an extension. If the extension is granted by the Managing Editor, the Editor-in-Chief must be immediately notified of such extension.

(2) – Extension of Comment Program Assignment Deadlines

- (a) An Associate Editor eligible to participate in the Comment-Writing Program may submit an excuse to the Managing Editor when, due to exceptional circumstances, he or she cannot, or could not reasonably be expected to, adhere to the prescribed schedule. If the Managing Editor determines that such an excuse is valid, the Managing Editor shall grant the Associate Editor additional time as is reasonable under the circumstances.
- (b) If, notwithstanding the notice requirement of [Bylaw Article 4\(D\)\(3\)\(a\)](#), an Associate Editor submits a late Comment draft or assignment without prior

permission, the Associate Editor may offer a statement to the Managing Editor as to why the draft or assignment was late. Thereafter, the Managing Editor must submit the statement to the Board. The Board, upon a majority vote, may excuse the late draft or assignment and remove the sanctions imposed under [Bylaw Article 4\(B\)](#) or [\(C\)](#).

(3) – Process for Requesting an Extension

- (a) Unless exceptional circumstances prevent filing an extension request, the Law Review Member's excuse must be submitted in writing to the Editor-in-Chief or the Managing Editor at least one hundred twenty (120) hours before the corresponding deadline. The Editor-in-Chief or the Managing Editor may use their discretion when creating an extension for the member's assignment. If a member misses a deadline, the member shall continue to receive editing assignments during the period of suspension and must promptly submit the late draft or final copy, if the late assignment pertains to an Associate Editor's Comment.
- (b) An extension of any deadline pursuant to [Bylaw Article 4\(D\)](#) must be given in writing, along with written notification to any other editor affected by the assignment.

Section E – Honor Code Obligations of All Members

To be admitted to membership, and at all times during membership on the Law Review, students shall not commit violations of the Honor Code. If a Law Review member commits an Honor Code violation, as determined by the Penn State Law Honor Committee, the Editor-in-Chief shall either expel the member or place the member on probationary membership for one complete semester. During the period of probationary membership, the member shall not be entitled to refer to Law Review membership on his or her resume.

Section F - Disciplinary Authority of the Editor-in-Chief

(1) – Mandatory Meetings

To encourage all members to participate in the decision-making process of the Law Review and to support the efforts of the Law Review, each member should attend all scheduled Law Review meetings. If any Law Review member fails to attend a mandatory meeting without the permission of the Editor-in-Chief, the Editor-in-Chief may use such absence as grounds to deny the member credit for the semester, pursuant to [Bylaw Article 1\(A\)\(1\)\(h\)](#). A member's unexcused failure to attend a mandatory meeting and take remedial action within seven (7) days, as prescribed by

the Editor-in-Chief, may be used as grounds for the member to be placed on probationary membership for the semester or to be denied credit for the semester. Bluebook Training sessions, planned pursuant to [Art. 1\(A\)\(6\)](#), shall be considered mandatory for purposes of this section.

(2) – Associate Editor Discipline

Any Associate Editor whose performance at any time fails to meet the requirements of [Bylaw Article 3](#) shall be notified in writing by the Editor-in-Chief. Such notification shall specify the areas of the member’s performance that are lacking, and the member shall be permitted to file a written response within five (5) days of the notification. A copy of the notification and responses shall be sent to the Faculty Advisor.

Section G – Plagiarism

(1) – Generally

Plagiarism is the most serious offense a Law Review member can commit. Any Law Review member who is aware of or reasonably suspects plagiarism in any submitted Comment draft or final copy must immediately report such knowledge or suspicion to the Editor-in-Chief or Managing Editor. The rules for plagiarism under [Bylaw Article 4\(G\)](#) supersede any inconsistent provision in the Bylaws, but in that event apply only for the purposes of [Bylaw Article 4\(G\)](#).

An Associate Editor shall not use Artificial Intelligence and its outputs to draft or produce work for a Law Review Comment. This provision does not prohibit an Associate Editor from using editing software, such as Grammarly, which simply checks for spelling, sentence structure, grammar, and other non-substantive edits.

(2) – Plagiarism Committee

- (a) If suspected plagiarism in a submitted draft of a Comment is brought to the attention of the Editor-in-Chief or the Managing Editor, a three-person Plagiarism Committee shall be formed to investigate the matter. The Editor-in-Chief shall serve on the Committee. The Editor-in-Chief shall select a Neutral Comments Editor, as herein defined, to sit on the Committee. The third member of the Committee shall be either the Managing Editor or the Executive Comments Editor, whichever one has not reviewed the Comment under investigation. If neither have reviewed the Comment, the Managing Editor shall be selected. If both have reviewed the Comment, a second Neutral Comments Editor shall be selected by the Editor-in-Chief. If Neutral

Comments Editors cannot be found to populate the Committee, the Editor-in-Chief may select Senior Editors or Articles Editors.

- (b) A Neutral Comments Editor is a Comments Editor who did not serve as an advisor to the Associate Editor whose Comment is under review. When possible, the Neutral Comments Editor should not be the Comments Editor who initially reported the alleged plagiarism. If possible, Comments Editors who do not have any personal relationship with the Associate Editor should be preferred over those who do.

(3) – Responsibilities of the Committee

The committee shall determine whether there is reason to believe that the Comment contains substantial plagiarism.

- (a) Definition of Plagiarism - Plagiarism shall be defined as it is defined in the Honor Code of Penn State Law.
- (b) Definition of Substantial Plagiarism – Plagiarism is substantial if it is of ample or considerable amount or quantity. The substantiality of the plagiarism must be considered in light of the amount plagiarized compared to the length of the assignment– the greater the amount of plagiarism, the more likely it is that it is substantial. The fact that the assignment containing plagiarism is not a final draft is irrelevant to the determination of substantiality.

(4) – Process for Investigating Alleged Plagiarism

Any investigation into alleged plagiarism shall be conducted in accordance with the procedures outlined below. In the event that these procedures are inadequate, the Plagiarism Committee is empowered to elaborate upon the meaning or implementation of these procedures.

- A. The Plagiarism Committee shall conduct a preliminary review and make a preliminary determination as to whether referral to the Penn State Law Honor Committee is warranted.
- B. When beginning such a review, the Plagiarism Committee must inform the Associate Editor in writing of the investigation and must give the Associate Editor leave to respond to the investigation with a written statement.
- C. In conducting the Preliminary Review, the Plagiarism Committee shall abide by the procedures that follow:
 - 1. The Editor-in-Chief will retrieve the assignment at issue, as it was submitted, from TWEN.
 - 2. The Editor-in-Chief will next send the assignment to the other

Committee Members.

3. For the next seven (7) days, the Committee Members shall conduct their preliminary review of the assignment. The Members shall read the Assignment and compare it to the sources cited therein.
 4. During this seven (7) day review, the Members shall not discuss with one another the substance of their review, the contents of the assignment, or how it compares to sources cited therein.
 5. The Members may, however, discuss other issues that are not related to the Preliminary Review, including other Law Review business and other aspects of this investigation not related to the Preliminary Review.
 6. At the conclusion of the seven (7) days of review, the Committee shall hold a meeting to make a Preliminary Determination.
- D. In making the Preliminary Determination, the following procedures and rules shall apply:
1. In reaching the Preliminary Determination, the following things may be considered:
 - i. The assignment at issue;
 - ii. Any sources cited in the assignment;
 - iii. Any source not cited in the assignment which raises a plagiarism concern when compared to the assignment
 1. If a Member identifies such a source, they must not disclose it to the other members during the seven (7) day independent Preliminary Review process. Instead, they shall bring copies of such a source to the Preliminary Determination hearing to provide to the other Members;
 2. If such evidence is used in reaching the Preliminary Determination, and the Preliminary Determination results in referral to the Penn State Law Honor Committee, then the Plagiarism Committee shall provide a copy of such source to the Associate Editor;
 - iv. Any statement submitted by the Associate Editor;
 - v. The definition of “plagiarism” as defined in the Honor Code; and
 - vi. Any other evidence the Committee deems relevant.
 2. At this time the Committee Members may discuss their observations based on their independent Preliminary Reviews.
 3. Once the Committee Members feel they have sufficiently discussed their conclusions drawn from the Preliminary Review, they shall proceed to make a Preliminary Determination. All members of the Committee must be present for the Preliminary Determination.
 4. The question before the Committee at this stage is whether there is a reasonable concern that substantial plagiarism was committed, warranting referral to the Penn State Law Honor Committee.

5. If two-thirds (2/3) of the Committee vote that there is sufficient evidence to warrant further investigation, the Committee shall refer the matter to the Penn State Law Honor Committee by contacting the Associate Dean pursuant to the Honor Code. If this occurs, the Associate Editor will be informed as soon as practicable.
6. If two-thirds (2/3) of the Committee do not vote that there is sufficient evidence to warrant referral, then this matter shall be closed, and the Associate Editor will be informed as soon as practicable.
7. The Plagiarism Committee retains discretion to carry out disciplinary measures in addition to, but not in substitute of, those proposed by the Honor Committee.

Article 5 – Resignation of Membership

A member may resign at any time for any reason. Upon resignation, the member must remove any reference to Law Review membership from his or her resume. In addition, the Editor-in-Chief shall notify the law school's Career Services office of the member's resignation. Board position vacancies will be filled pursuant to [Bylaw Article 1\(B\)\(3\)](#). If a member whose Comment was selected for publication resigns before their Comment is published, the publication offer is automatically revoked. If such situation occurs, no offer of publication will be made to an alternate member.

Article 6 – The Articles Selection Committee

(A) – Article Selection Procedure Generally

The Law Review shall select articles for publication through an Article Selection Committee. The Article Selection Committee shall be comprised of the Editor-in-Chief, the Executive Articles Editor, the Executive Research Editor, and the Articles Editors. The Editor-in-Chief shall serve as the Chairperson of the Article Selection Committee, which shall convene as often as necessary to fill each respective volume of the Law Review with scholarly articles for publication. The Committee may also select articles for publication via any electronic method which both the Editor-in-Chief and Executive Articles Editor deem adequate and in which all members of the Article Selection Committee maintain their original voting roles.

(B) – Calling a Meeting

Meetings of the Article Selection Committee may be called by the Editor-in-Chief or the Executive Articles Editor. Members of the Article Selection

Committee shall be provided with notice of the time and place of such meeting no less than five (5) days in advance of such meeting. No meeting of the Article Selection Committee may proceed without a quorum, which shall consist of a simple majority of the then-serving members of the Article Selection Committee.

(C) – Pre-Meeting Obligations

Prior to each meeting of the Article Selection Committee, the Articles Editors shall review articles submitted for the Law Review’s consideration and send their recommendations to the Executive Articles Editor. After receiving the recommendations of all of the Articles Editors, the Executive Articles Editor shall distribute to all members of the Article Selection Committee the list of articles that will be considered at the next meeting of the Article Selection Committee. The Editor-in-Chief, in conjunction with the Executive Articles Editor, shall determine appropriate qualifications for an article worthy of publication in the *Penn State Law Review*. All members of the Article Selection Committee shall review the listed articles in good faith and to the degree necessary to offer an opinion on each article’s publishable quality at the next meeting of the Article Selection Committee. The Executive Research Editor shall closely review the quality of each article’s citations and provide a recommendation to the Article Selection Committee as to the quality of the citations before an article is selected to receive an offer of publication.

(D) – Conducting Meetings

The Editor-in-Chief, as Chairperson, shall preside over and conduct the Article Selection Committee’s meetings. In the event that the Editor-in-Chief is absent, the Executive Articles Editor will preside over the Article Selection Committee’s meeting. During these meetings, committee members shall discuss each article’s substantive and citation quality. Following this discussion, the Editor-in-Chief shall take a vote as to whether the Law Review should offer publication for each article considered. Voting shall be conducted in whatever manner determined proper by the Editor-in-Chief, provided that no member may abstain in any such vote. An article must secure the approval of a majority of all members of the Article Selection Committee for the Law Review to extend an offer of publication for that article. After all articles have been considered and voted upon, the Editor-in-Chief shall require all committee members to collectively rank the articles from most to least desirable, provided that only articles receiving votes sufficient to receive an offer of publication shall be ranked. The Editor-in-Chief shall extend publication offers to the authors of these articles according to this ranking.

(E) – Emergency Article Selection Procedures

If the Editor-in-Chief and the Executive Articles Editor determine that there is insufficient time to conduct the normal article selection process and still comply with the predetermined publication schedule, the Editor-in-Chief and Executive Articles Editor may propose the implementation of the emergency article selection procedures to the Article Selection Committee. If the majority of such Committee, excluding the Editor-in-Chief and Executive Articles Editor, determines that the circumstances warrant such emergency procedures, the emergency article selection procedures will be implemented. In such a case, the Editor-in-Chief may extend publication offers to the authors of those articles on which the Editor-in-Chief and Executive Articles Editor are in agreement.

These emergency procedures shall end when determined by the Editor-in-Chief or after one (1) month, whichever is sooner.

Article 7 – Publication Schedules

- (A) The Editor-in-Chief shall be responsible for developing the publication schedule for each issue, in consultation with the Managing Editor and the Executive Articles Editor. The publication schedule shall ensure that at least two issues are published during the Board’s term of office and that each issue undergoes a comprehensive editing process prior to publication.
- (B) In appropriate circumstances, the Editor-in-Chief, in consultation with the Executive Articles Editor and the Executive Articles Editor, may modify the publication schedule of a forthcoming issue. For purposes of [Bylaw Article 7\(B\)](#), a forthcoming issue means any issue that does not have a projected publication date within ninety (90) calendar days.
- (C) The Editor-in-Chief shall be responsible for publishing at least two (2) issues in accordance with the publication schedules.
- (D) If any step in the publication process is delayed more than fifteen (15) calendar days for reasons within the exclusive control of the Editor-in-Chief, the Executive Article Editor shall temporarily assume publication responsibility for the delayed volume, subject to a majority vote of the Board. Prior to the vote, the Editor-in-Chief shall receive an opportunity to present his or her reasons why the Executive Articles Editor should not assume publication responsibility for the delayed issue. Once the Executive Articles Editor assumes publication responsibility for the delayed issue, the Editor-in-Chief shall begin preparing any remaining issues for publication in accordance with their respective deadlines. In the event that the Executive Articles Editor does not assume

publication

responsibility for the delayed issue, the Editor-in-Chief shall immediately put forth a good faith effort to publish the delayed issue as originally planned.

- (E) The outgoing Editor-in-Chief shall remit all manuscripts and documents related to the publication of the Law Review's issues to the incoming Editor-in-Chief prior to the date of the outgoing Editor-in-Chief's commencement ceremony, or in the exceptional case June 1 of the year in which the incoming Editor-in-Chief assumes the role. If all manuscripts and documents are not relinquished, the outgoing Editor-in-Chief's name shall be removed from the Law Review's masthead on all forthcoming publications. Such relinquishment shall not relieve the Editor-in-Chief or the Managing Editor from publication responsibility for any as-yet unpublished issues, provided, however, that under the direction of the outgoing Editor-in-Chief, the incoming Editor-in-Chief may assist in publishing any outstanding issues.

Article 8 – Bylaws Committee; Force Majeure Clause Regarding Dickinson Reunification

- (A) A Bylaws Committee (“the Committee”) shall be established at the outset of each academic year beginning in Fall 2023. *See* Bylaw Article 9. The Committee will serve a dual role in both discussing and voting on proposals to amend the PENN STATE LAW REVIEW Bylaws and convening, as needed, to address exigent circumstances related to the future of the PENN STATE LAW REVIEW in light of the Penn State Law and Dickinson Law reunification.
 1. Members of the Committee shall consist of nine (9) Law Review members as follows: Bylaws Committee Chair; Editor-in-Chief; Managing Editor; one (1) Comments representative; one (1) Articles representative; and four (4) Associate Editors. The selected individuals will remain on the Committee throughout the entire academic year and must remain in good standing as defined under Bylaw Article 1(B)(1)(b). Proposed amendments shall be approved by a majority vote of the Bylaws Committee. After discussing and voting on proposed amendments, the Editor-in-Chief shall notify the Faculty Advisor of proposed changes pursuant to Article Seven of the PENN STATE LAW REVIEW Constitution. Once the proposed amendments are approved, a majority vote of the entire Law Review membership is required for ratification pursuant to Article Twelve of the PENN STATE LAW REVIEW Constitution. The form such a ratification vote takes is left to the discretion of the Editor-in-Chief.
 2. The process for determining a course of action during exigent circumstances will mirror the process for adopting Bylaw amendments. The Committee

shall convene upon notice of reunification-related changes impacting the Law Review and make a uniform decision on a course of action addressing such issue(s). The Editor-in-Chief shall send the proposed course of action to the PENN STATE LAW REVIEW Faculty Advisor. Upon the Law Review Faculty Advisor's approval of the proposed course of action in accordance with Article 7 of the PENN STATE LAW REVIEW Constitution, the course of action shall be proposed to all Law Review members seven (7) days prior to the vote. The vote shall occur in a manner that the Editor-in-Chief deems appropriate. The course of action will be taken upon a majority affirmative vote of all Law Review members.

Article 9 – Amendments

These Bylaws may be amended or repealed, in whole or in part, as provided in Article 12 of the Constitution.

Article 10 – Authorization

The Faculty Law Review Committee and members of the Law Review hereby approve the Bylaws of the Penn State Law Review this 30th day of January 2013.
