

# CONSTITUTION OF THE PENN STATE LAW REVIEW

LAST AMENDED: AUGUST 1, 2024

## **ARTICLE ONE**

Name

The name of this association shall be the PENN STATE LAW REVIEW.

## **ARTICLE TWO**

Purposes

The association's purposes are:

- A. To promote scholarship through publication of a scholarly journal.
- B. To provide the legal community with source material for legal research.
- C. To promote the educational purposes of Penn State Law at The Pennsylvania State University, hereinafter Penn State Law, by encouraging academic excellence.

## **ARTICLE THREE**

Principal Offices

The principal office of the association shall be at Penn State Law, in the Borough of State College and College Township, Centre County, Commonwealth of Pennsylvania.

## **ARTICLE FOUR**

Powers

In furtherance of the purposes described in Article Two, the association shall publish a scholarly legal journal at least two times each year and charge an annual subscription fee of such sum as is approved by the Faculty Law Review Advisor. In addition, the association may solicit patrons at a financial rate approved by the Faculty Law Review Advisor.

## **ARTICLE FIVE**

Governance and Officers

The governance of the association shall be vested in an Editorial Board consisting of an Editor-in-Chief and not more than fourteen other officers. The members of the Editorial Board shall be selected in the manner provided in the Bylaws of the association, and their titles and respective duties shall be described in the Bylaws.

## **ARTICLE SIX**

Selection of Members

- A. For purposes of the Constitution and Bylaws, the following terms apply:

- (1) "Junior": any student who has completed within their first two (2) semesters of study, not including a summer, a minimum of twenty-eight (28) credits, but not more than thirty-three (33) credits, as of the commencement of the writing competition.
  - (2) "Associate Editor": any second-year student who joined the Law Review through the grade-on or write-on process as outlined in the Bylaws.
  - (3) "Senior Editor": any student who completed two semesters as an Associate Editor on the Law Review and does not serve on the Editorial Board.
- B. The total number of members of the Law Review from any one class shall normally be limited to fifteen (15) percent of the total class membership. The Bylaws may provide for the occasional admission of additional or fewer members for specified, compelling reasons.
- C. Juniors shall be invited to seek membership on the Law Review in the manner prescribed in the Bylaws.

#### **ARTICLE SEVEN**

##### Faculty Law Review Advisor

There shall be a Faculty Law Review Advisor consisting of one faculty member chosen annually by the Law Review Editorial Board and approved by the Dean. The functions of the Faculty Law Review Advisor shall include:

- A. Approval of amendments to the Constitution and Bylaws.

The Editor-in-Chief shall forward all proposed amendments to the Constitution or Bylaws to the Advisor, and shall designate the amendments as either (1) "structural" or (2) "operational."

A "structural amendment" changes eligibility for membership, or alters the responsibilities and expectations of editors on the journal relating to the attainment of academic credit. The Advisor shall consider and notify the Editor-in-Chief of his or her approval or disapproval of proposed structural amendments within seven (7) business days.

An "operational amendment" concerns all other aspects of Law Review operations. The Advisor shall consider and notify the Editor-in-Chief of his or her approval or disapproval of proposed operational amendments within three (3) business days. The Advisor shall employ an abuse of discretion standard when reviewing those changes designated as "operational."

- B. Review of decisions regarding admission of members beyond the normal number.
- C. Review of budgets, finances, printing contracts, and other actions substantially affecting the budget of the Law Review.

- D. Review for gross improprieties of manuscripts submitted by persons other than Penn State Law students and faculty, after receiving the recommendation of the Editor-in-Chief.
- F. Review of recommendation of the Editorial Board regarding members who have earned or not earned credit for any semester.
- G. Submission to the Dean's Office of names of members who have earned credit for each semester.
- H. Coordination, in consultation with the Editor-in-Chief, of any faculty involvement in the Law Review's affairs required by the Bylaws.
- I. Advising the Law Review Editorial Board on discretionary matters affecting the membership or broader interests.

#### **ARTICLE EIGHT**

##### Academic Credit

- A. An Associate Editor shall receive two (2) non-graded credits per year upon successful completion of his or her responsibilities as outlined in the Bylaws.
- B. A Senior Editor shall receive two (2) non-graded credits per year upon the successful completion of his or her responsibilities as outlined in the Bylaws.
- C. An Editorial Board member shall receive four (4) non-graded credits per year upon the successful completion of his or her responsibilities as outlined in the Bylaws. If an Editorial Board member is impeached in accordance with the Bylaws, the member shall receive two (2) non-graded credits only if the member remains on the Law Review.

#### **ARTICLE NINE**

##### Meetings

- A. General Meetings. Meetings of the general membership of the Law Review shall be held when deemed necessary by the Editorial Board. At general meetings, a quorum shall consist of a majority of the membership.
- B. Editorial Board Selection Meetings. The Editorial Board shall be selected as specified in the Bylaws. Notice of Editorial Board selection meetings shall be given at least one (1) week in advance of the meeting in accordance with procedures prescribed in the Bylaws.

#### **ARTICLE TEN**

##### Finances

All disbursements of the Law Review shall be by check, subject to the approval of the Managing Editor and signed by the Business Manager of the Law School. A record shall be kept of the purpose of each disbursement. No funds shall inure to the benefit of any individual member. Audits shall be conducted as required by the Dean and the Business Manager of the Law School.

**ARTICLE ELEVEN**

Amendments to Constitution

Proposals for amendments to the Law Review Constitution may be made by the members of the Law Review. The members may propose an amendment by a two-thirds affirmative vote of all the members of the Law Review, expressed orally or in writing, provided that notice setting forth the proposed amendment shall have been given at least seven (7) days prior to the vote. Voting shall be conducted in whatever manner determined proper by the Editor-in-Chief. Final approval of amendments to the Law Review Constitution rests with the Faculty Law Review Advisor. If the Faculty Law Review Advisor proposes an amendment to the Constitution, then that amendment will be adopted upon a two-thirds majority vote of all the members of the Law Review.

**ARTICLE TWELVE**

Amendments to Bylaws

An initial set of Bylaws shall be adopted by the faculty. Bylaws will hereafter be amended by a majority affirmative vote of all Law Review members, provided that notice setting forth the proposed amendment shall have been given at least seven (7) days prior to the vote. Voting shall be conducted in whatever manner determined proper by the Editor-in-Chief. Amendments to the Bylaws are limited as provided in Article 7 of the Constitution.

**ARTICLE THIRTEEN**

Authorization

The Faculty Law Review Committee and members of the Law Review hereby approve the Constitution of the Penn State Law Review this 30<sup>th</sup> day of January 2013.

By: S/ Kit Kinports

Name: Kit Kinports

Title: Faculty Law Review Committee Chair

By: S/ Brett T. Atanasio

Name: Brett T. Atanasio

Title: Editor-in-Chief, Penn State Law Review