



# **TEXAS SOUTHERN UNIVERSITY THURGOOD MARSHALL LAW REVIEW CONSTITUTION**



## **ARTICLE I: NAME OF THE ORGANIZATION**

This organization is known as the Thurgood Marshall Law Review (hereinafter “Law Review”). The official cite for the Law Review shall be T. MARSHALL L. REV. for the print edition and T. MARSHALL L. REV. ONLINE (for the online edition).

The Thurgood Marshall Law Review has no connection nor is established as a part, subsidiary, or parent of the Thurgood Marshall Law Journal.

## **ARTICLE II: TERMS AND DEFINITIONS**

The definitions in this article apply to the terms contained in the Constitution and Bylaws. If, in another part of this constitution, a term as under Article II, has a meaning different from the meaning provided in a subsequent article, the meaning as provided under that article prevails.

“Applicable Law Review tasks” shall mean any and all tasks deemed necessary by the Editorial Board, relating to, but not limited to: information disseminated by the way of memoranda, law review meetings and postings, participation in law review activities, proofing manuscripts and galleys, arbitrating/spading manuscripts, notes and commentaries, and office duties.

“Generally Available” or “General Availability” shall include, but is not limited to, communication via facsimile, e-mail, telephone, video conference, and any other acceptable means of communication.

“Official Capacity” shall include, but is not limited to, representation at faculty meetings, by written correspondence, or by standing in for an editor.

“Publishable Quality” means a note or commentary that achieves a grade of at least 70% when graded according to the standards set forth by the Editorial Board.

Any action that requires approval by the Editorial Board is implied to require a simple majority vote for passage, unless otherwise stated.

### **ARTICLE III: PURPOSE**

#### **SECTION 1: The purpose of Law Review is to:**

- a. Be a principal medium through which new legal thought and authoritative opinion are presented to the legal profession.
- b. Present quality professional work that is published through industrious solicitation of the profession, discriminating evaluation, and careful editing of the manuscripts submitted.
- c. Publish student works of exceptional quality in order to ensure reputable standing of the Law Review online.
- d. Foster and promote quality writing within the legal community.
- e. Do all that is necessary and appropriate to accomplish these purposes.

### **ARTICLE IV: MEMBERSHIP**

#### **SECTION 1: Eligibility for Membership**

- a. Students who are in their first year of law school ("1L year") may apply to join Law Review in their Spring Semester.
- b. Students who are in their second year of law school ("2L year") may apply to join Law Review in their Spring Semester.
- c. Students who are in their third year of law school ("3L year") may not apply to join Law Review in their Spring Semester.
- d. Transfer students may be eligible to join Law Review via an abbreviated competition, at the discretion of the Executive Board.
- e. All students invited to join Law Review must commit to at least one academic year of membership except at the discretion of the Executive Board.
- f. Students must have a minimum of a 2.80/4.00 GPA to join Law Review before the semester in which they would be invited.
- g. Students must show good moral character and fitness, pursuant to Article V.
- h. Law Review members cannot concurrently be members of any Law Journal at Thurgood Marshall School of Law.

#### **SECTION 2: Classifications of Individuals**

- a. All individuals who apply to join Law Review are deemed "applicants."
- b. All individuals who are invited to join Law Review after completion of the Edit-On Competition are deemed "Associate Editor Candidates."
- c. All Associate Editor Candidates who complete the Associate Editor Article, pursuant to Article IV, Section 4(f) and are pinned are deemed "Associate Editors." The Editorial Board, by majority vote, can continue the tradition of pinning Associate Editors, may dispense with the ceremony, or deem all candidates "Associate Editors" at the time of submission of the Associate Editor Article.
- d. All Associate Editors who have served in Law Review for one year and continue with Law Review their following year who are not on the Editorial Board are deemed "Senior Editors."
- e. All members selected to be on the Editorial Board are deemed "Editorial Board Members."

- f. An individual on Law Review, not including an applicant, may be referred to as a “Law Review Member.”

### SECTION 3: Special Invitation to Law Review

- a. If the student does not meet the GPA requirement, the Editor-in-Chief, with advice from the Managing Editor, has the power to grant a special invitation to the student.
- b. Students given a special invitation to join Law Review must demonstrate excellent legal writing and research skills and have good grades in their writing courses, as to be determined by the Editor-in-Chief and Managing Editor.
- c. Students given a special invitation to join Law Review must demonstrate good moral character and fitness, pursuant to Article V.

### SECTION 4: The Rhona F. Goffney Edit-On Competition Requirements

- a. All students who wish to join Law Review must complete the Rhona F. Goffney EditOn Competition, which will be comprised of two parts.
  - i. The Bluebook Training and Exam
    - 1. All students applying to Law Review must attend the Bluebook Training and complete the Bluebook Exam.
    - 2. 1L applicants must score a minimum of 100 points out of a total of 200 points.
    - 3. 2L applicants must score a minimum of 150 points out of a total of 200 points.
  - ii. Note for Edit
    - 1. All applicants must edit the note (article) distributed by the Editorial Board in accordance to the directions given.
    - 2. Edited notes not completed within the given time will result in an automatic disqualification from the competition.
    - 3. Both 1L and 2L applicants must score a minimum of 600 points out of a total of 800 points.
  - iii. Students may score a maximum of 1000 points for the entire competition.
  - iv. The Managing Editor may add points to the aggregate score that students may earn but may not increase the minimum requirement without amendment of this the Constitution
- b. Membership via Grade-On
  - i. Only students who are at the top 5% of their class at the end of either their 1L year or 2L year may join Law Review without editing the note, but must take the Bluebook Exam and score a 100/200 if a 1L or a 150/200 if a 2L. At their discretion, the Executive Board may amend this requirement and allow membership via grade-on for the top 10% of both classes.
  - ii. If the students in the top 5% begin the Edit-On Competition, they must edit the note (article) distributed by the Editorial Board in accordance to the directions given.
  - iii. The exam given to grade-on applicants can be the same given to other applicants or it can be changed at the discretion of the Executive Editor.
- c. Mandatory Meetings

- i. At the discretion of the Editorial Board, the Law Review may hold interest and mandatory meetings before the beginning of the Edit-On Competition. The Managing Editor also has discretion to determine whether attendance at a specific time is mandatory.
- d. Disqualifications
  - i. The Editorial Board may, with cause, disqualify an individual from the competition, which include, but is not limited to, reasons noted in subsection (g) of this article, cheating, failure to submit required documents on time, receiving any disciplinary action from the school (reprimand, suspension, expulsion, etc.), violation of Article V, or receiving any disciplinary action from the State Bar of Texas.
- e. Invitation to Law Review
  - i. Once a student has met the requirements to join Law Review, the Editor-in-Chief shall submit evidence of membership to the Law Review Advisor(s) and the Law School Dean.
  - ii. After a student accepts their invitation to Law Review, they will obtain the status of "Associate Editor Candidate".
- f. Associate Editor Article
  - i. All associate editor candidates must complete an article of publishable quality to be submitted at the beginning of their spring semester after joining Law Review. It is not required that the individual be published, but that the paper conforms to all guidelines and minimal requirements set forth by the Editorial Board.
- g. Plagiarism
  - i. Any member of Law Review in any capacity of membership is subject to disciplinary action in accordance to Article VIII if it is found that the individual in question plagiarized any form of work, including the Associate Editor Article.
  - ii. Plagiarism shall comprise of using more than four consecutive words verbatim from a source without the use of quotation marks, but not including words in titles, articles (such as the word "the"), prepositions, conjunctions, and official titles.
- h. No Appointments
  - i. No student may be appointed to Law Review.

## SECTION 5: Rights and Duties of Staff Members

- a. All Law Review members shall have the right to represent Law Review in any capacity as delegated by the Editorial Board.
- b. Senior Editors will have their work evaluated by the Editorial Board to determine if the work conforms to the standards of a Law Review member. Evaluation will take place prior to the end of the spring semester. The current Editorial Board shall determine the appropriate standards.
- c. All Law Review members shall be held responsible for information disseminated by way of memoranda, Law Review meetings, emails, and postings.
- d. All Editorial Board members are to participate in all Editorial Board meetings, both scheduled and emergency. All Law Review members are expected to participate in all General Body meetings and Law Review-sponsored activities.

## **ARTICLE V: MORAL CHARACTER AND FITNESS**

### **SECTION 1: Law Review Members**

- a. Every member of the Thurgood Marshall Law Review must continuously demonstrate good moral character and fitness. This applies to all Law Review Members in all capacities and offices.

### **SECTION 2: Applicants**

- a. All students who apply to join Law Review must demonstrate strong moral character and fitness. Any student who has shown a lack or disregard for moral character and fitness throughout any part of their law school career may be disqualified by discretion of the Editor-in-Chief and Managing Editor, at any point during the competition.

### **SECTION 3: A Breach of Moral Character and Fitness**

- a. A breach of moral character and fitness is defined as, but not limited to:
  - i. A disruption to class proceedings.
  - ii. An act on campus that requires intervention by campus police or any other policing entity with the school or outside law enforcement.
  - iii. Any gross act of disrespect to faculty or staff.
  - iv. Any crime of moral turpitude.
  - v. Any crime that is felonious by law.
  - vi. Any action that would bring forth civil liability to the Law Review, either directly, via vicarious liability, contribution, or indemnity.
  - vii. Misrepresenting oneself as an attorney while not licensed or under the supervision of a licensed attorney.
  - viii. Suspension from the school.
  - ix. Expulsion from the school.
  - x. Disciplinary action having been taken by the school Honor Court.
  - xi. A reckless, knowing, or intentional disruption to any Law Review proceeding.
  - xii. An impediment by a Law Review Member or Applicant on another Law Review Member or applicant.
  - xiii. An action that brings forth embarrassment or ridicule to the Law Review or school.

### **SECTION 4: Disciplinary Action**

- a. The Editor-in-Chief has discretion to determine if the severity of any act deemed a breach of moral character and fitness would harm or in any way affect the Law Review and its interests. If the individual is a Law Review Member, disciplinary action must be taken subject to Article VIII.

## **ARTICLE VI: THE EDITORIAL BOARD**

### **SECTION 1: Classification of Editorial Board Members**

- a. In general, the Editorial Board shall consist of one Editor-in-Chief, one Executive Editor, one Managing Editor, one Lead Articles Editor, and one Digital Content Editor. It is recommended that the Editorial Board consist of at least one Articles Editor, at least one Business Editor, one Symposium Editor, and one Form and Accuracy Editor.
- b. The Editor-in-Chief may add more Articles Editors and Business Editors as he or she sees fit by means of appointment, pursuant to Article VI, Section 7(a).
- c. Any new position created other than those mentioned in Section 1(a) must be added by constitutional amendment, pursuant to Article X.
- d. Any position eliminated from those mentioned in Section 1(a) must be done so by constitutional amendment, pursuant to Article X.
- e. A position cannot be eliminated while held by an incumbent.

### **SECTION 2: Selection of Editorial Board Members**

- a. The incumbent Editorial Board members choose all subsequent Editorial Board members.
- b. Applicants for Editorial Board positions must be a 2L serving in the capacity of an Associate Editor Candidate or Associate Editor (depending on when the Editorial Board chooses new Editorial Board Members), be in good standing pursuant to Article VIII, Section 1(a), and demonstrate good moral character and fitness pursuant to Article V. Additionally, Editorial Board applicants must submit a resume and letter of intent specifying the three (3) editorial positions he or she is most interested in, detailing what personal characteristics and professional experience the applicant would bring to the position. Furthermore, the applicant must appear for a personal interview with the incumbent Editorial Board.
- c. Members of the incumbent board will then vote, by simple majority, for the new members.

### **SECTION 3: Term of Office**

- a. The term of office for each Editorial Board member begins the day after the last day of classes of the same semester in which the individuals were chosen and extends to the day after the last day of classes the following year.

### **SECTION 4: Duties of the Editorial Board Members**

- a. All Editorial Board members should make themselves generally available during the summer.
- b. The Editor-in-Chief (EIC) shall:
  - i. Oversee the entire Law Review process to ensure its completion and serve as chief officer of the organization.
  - ii. Propose and oversee the entire Law Review budget, all financial affairs, and serve as liaison between the administration or school budgetary official and the organization.
  - iii. Maintain contact with other Law Review members to encourage them to perform various roles as required.
  - iv. Oversee the proofreading of all manuscripts, galleys, and page proofs.

- v. Sign publishing contract with the Lead Articles Editor.
- vi. Call and preside at Editorial Board meetings and General Body Meetings. General Body meetings shall consist of all Law Review Members.
- vii. Organize publication schedules and writing deadlines.
- viii. Confer the status of “Complete for Publishing” on all pieces that have gone through a full review process and direct the Executive Editor to send to print once all pieces of the journal are complete for publishing.
- ix. Act as the Law Review representative to faculty, administration, and the general public as needed.
- x. Proofread any and all galley and page proofs.
- xi. Be generally available during the summer.
- xii. Any duty not the responsibility of the Law Review Members shall be an implied duty of the Editor-in-Chief.
- xiii. The Editor-in-Chief’s implied duties shall include any duties reasonably necessary to represent the Law Review, carry out the successful publication of the journal, and serve the needs and interests of the Law Review.
- xiv. Any implied duty of the Editor-in-Chief may be delegated at his or her sole discretion.
- xv. Maintain a key to the Law Review office.
- c. The Executive Editor (EE) shall:
  - i. Establish general rules and guidelines for legal writing citation pursuant to THE BLUEBOOK, A UNIFIED SYSTEM OF CITATION (the most recent edition available).
  - ii. Inform Law Review Members about common citation issues and citation standards set by the Law Review.
  - iii. Make final determinations about matter of style, grammar, citation, and form.
  - iv. Manage, conduct, and grade the Bluebook Exam for applicants.
  - v. Attend to accuracy of formal parts of the review such as the cover, masthead, contents, page, and advertisements.
  - vi. Send manuscripts to the printer once deemed “complete for publishing.”
  - vii. Maintain records of manuscripts and other documents sent to the printer.
  - viii. Maintain contact with the printing company.
  - ix. Edit galleys and page proofs as needed.
  - x. Serve as the Editor-in-Chief in his or her absence.
  - xi. Maintain a key to the Law Review office.
- d. The Managing Editor (ME) shall:
  - i. Oversee the entire Edit-On Competition.
  - ii. Determining the scheduling of due dates and times for assignments in the candidacy process, subject to approval by the Editor-in-Chief.
  - iii. Have power to enforce due dates and times subject to veto by the Editor-in-Chief.
  - iv. Supervise required student work submissions for Law Review.
  - v. Assign all Senior and Associate Editors work.
  - vi. Keep accurate attendance records at all Editorial Board meetings and staff meetings.
  - vii. Oversee disciplinary procedures of the Law Review.
  - viii. Maintain a key to the Law Review office.

- e. The Lead Articles Editor (LAE) shall:
  - i. Solicit lead articles from attorneys, judicial officials, professors, and other legal scholars.
  - ii. Select solicited articles, unsolicited articles, and book reviews worthy of publication.
  - iii. Coordinate preemption checking of all submitted articles, notes, and comments.
  - iv. Coordinate and supervise the editing and reconstructing of lead articles with the Managing Editor and author.
  - v. Sign publishing contracts with the Editor-in-Chief.
  - vi. Confer with authors on any necessary changes during the manuscript stage.
  - vii. Deliver contracts for publishing to authors on behalf of the Law Review.
  - viii. Maintain all general day-to-day correspondence with authors.
  - ix. Edit galleys and page proofs as needed.
  - ix. Maintain a key to the Law Review office.
- f. The Articles Editors (AE) shall:
  - i. Confer with authors on any substantial changes throughout the editing process, with discretion of the Lead Articles Editor.
  - ii. Maintain day-to-day correspondence with Senior and Associate Editors throughout the citation and substantive editing processes.
  - iii. Manage all edits from Senior and Associate Editors.
  - iv. Merge all changes from the Senior and Associate Editors.
  - iv. Edit galleys and page proofs as needed or directed by the Editor-in-Chief.
- g. The Symposium Editor (SE) shall:
  - i. Propose symposium topics to the Editorial Board for majority approval.
  - ii. Manage coordination of symposia.
  - iii. Solicit articles from attorneys, judicial officers, professors, and other legal scholars in conjunction with the Lead Articles Editor, for the symposium.
  - iv. Solicit panelists to participate in the symposia.
  - v. Edit articles in conjunction with the Articles Editors as deemed necessary by the Editor-in-Chief.
  - vi. Make regular reports to the Editorial Board on the status of the symposium.
  - vii. Edit galleys and page proofs as needed or directed by the Editor-in-Chief.
- h. The Form and Accuracy Editor (FAE) shall:
  - i. Prepare annual and cumulative indices of topics and cases used.
  - ii. Utilize all relevant sources to identify topics and cases.
  - iii. Perform any and all Law Review research assigned by the Editor-in-Chief.
  - iv. Solicit lead articles from attorneys, judicial officers, professors, and other legal scholars in conjunction with the Lead Articles Editor.
  - v. Correspond with Lead Articles Editor of any delegated research duties and necessary correspondence with authors.
  - vi. Edit articles in conjunction with the Articles Editors as deemed necessary by the Editor-in-Chief.
  - vii. Edit galleys and page proofs as needed or directed by the Editor-in-Chief.
- i. The Business Editor (BE) shall:
  - i. Manage external financial obligations of the Law Review, including management of subscriptions, advertising, and solicitation of patrons.



- ii. Handle business cards for Law Review.
  - iii. Manage alumni relations between the current Law Review members and former Law Review alumni.
  - iv. Edit articles in conjunction with the Articles Editors as deemed necessary by the Editor-in-Chief.
  - v. Edit galleys and page proofs as needed or directed by the Editor-in-Chief.
- j. The Digital Content Editor (DCE) shall:
  - i. Maintain the Law Review's website, which includes but is not limited to maintaining all communications with the website developer, uploading online volumes, issues, and mastheads.
  - ii. Manage the Law Review's social media outlets, which includes but are not limited to: Facebook, LinkedIn, and Twitter.
  - iii. Manage all the Law Review's digital media needs.
  - iv. Assist the Editor-in-Chief with the development and management of the alumni newsletter.
  - v. Make regular reports to the Editorial Board on the status of all digital projects.
  - vi. Serve as an articles editor for all digital content.
  - vii. Edit articles in conjunction to the Articles Editors as deemed necessary by the Editor-in-Chief.

#### SECTION 5: The Executive Board

- a. The Executive Board consists of the Editor-in-Chief, the Executive Editor, the Managing Editor, and Lead Articles Editor.
- b. The Executive Board is the last group of editors to review a piece before the Editor-in-Chief deems the article "complete for publishing."

#### SECTION 6: Duties of Non-Editorial Board Members

- a. Senior Editors are required to check the work of their respective Associate Editors and perform substantive edits based on the Associate Editors' range of citations.
- b. Associate Editors are required to edit citations, based on a range to be determined by the Lead Articles Editor.
- c. Associate Editors and Senior Editors who fail to maintain their duties and due dates will be subject to disciplinary action, in accordance to Article VIII.

#### SECTION 7: Powers of the Editorial Board

- a. Act as the governing body of Law Review.
- b. Select Associate Editor Articles for online publication.
- c. Enact in-house procedures and rules, which may be memorialized through the creation of By-Laws.
- d. Initiate disciplinary action against Law Review Members in accordance to Article VIII.

#### SECTION 8: Vacancies in the Law Review

- a. In the event there are an insufficient number of applicants to minimally fill the positions required in Article VI, Section 1(a), the Editor-in-Chief has the power to appoint a Senior Editor to the vacancy.

- b. In the event an Editorial Board Member resigns, is removed, or can no longer serve in the capacity of their office, the Editor-in-Chief has the power to appoint a Senior Editor to the vacancy.
- c. All appointments must be confirmed by a majority vote of the remaining members of the Editorial Board, not including the vote of the Editor-in-Chief.

#### SECTION 9: Staff Meetings

- a. The Editorial Board shall have at least one meeting per month, but may have as many or as little as it deems fit.
- b. The Editorial Board shall host at least one meeting per month for all Law Review Members, but may have as many or as little as it deems fit.

#### SECTION 10: Committees

- a. The Editorial Board shall create committees as it sees fit, by majority vote.

### **ARTICLE VII: VOTING**

#### SECTION 1: Eligibility

- a. Only Editorial Board Members have the right to vote.
- b. The Editorial Board can confer voting rights to specific issues or topics to Associate Editors and Senior Editors by approval the Editorial Board Members.
- c. If there is an issue that the Editor-in-Chief feels must be put to a vote, he or she may ask that a vote be made, which must pass by a majority.
- d. The Editor-in-Chief may veto the decision by an individual Editorial Board Member.
- e. The remaining members of the Editorial Board can override the veto of the Editor-in-Chief by a two-thirds (2/3) majority vote.

#### SECTION 2: Quorum

- a. A quorum of two-thirds (2/3) of the Editorial Board Members is necessary to effect voting on any issue.
- b. The mandatory two-thirds (2/3) can be met with physical presence or by proxy and no person can have more than one proxy.
- c. If, in the essence of convenience, the Editor-in-Chief determines that physical presence at a meeting will not work nor serve the needs of all members, votes on all issues may be gathered by any form telecommunication, email, video communication, or mail.
- d. Section 2(b) also pertains to votes to adopt, amend, and ratify the constitution.

#### SECTION 3: Tied Vote

- a. In the event of a tied vote, the Editor-in-Chief shall have the controlling vote.

## **ARTICLE VIII: DISCIPLINARY ACTION**

### **SECTION 1: Good Standing**

- a. A Law Review Member is considered in “good standing” if there are no disciplinary actions being taken against the member, and the member demonstrates good moral character and fitness as noted in Article V.
- b. Disciplinary actions will be taken according to the Standard of Professionalism and Code of Student Conduct found in the Thurgood Marshall Law Review Policies and Procedures as amended.

### **SECTION 2: Disciplinary Proceedings**

- a. During the point at which a Law Review Member has breached moral character and fitness or any other guideline as stated by the university or law, the individual shall be given notice of disciplinary action taken.
- b. The Editorial Board, by majority vote, or the Editor-in-Chief at his or her own discretion, can initiate disciplinary action.
- c. Order of Disciplinary Action
  - i. Depending on the severity of the Law Review member’s wrongdoing, they will receive the following in order:
    - 1. A verbal warning of their conduct not to repeat or continue.
    - 2. A written warning of their conduct not to repeat or continue.
    - 3. A hearing regarding the member’s tenure and continuance on Law Review.
  - ii. The Editorial Board may, by a majority vote, skip verbal or written warning, or the Editor-in-Chief may do so at his or her discretion.
  - iii. If a verbal or written warning is given, the Editor-in-Chief will direct the Managing Editor to send the warning to the individual.
  - iv. The Editor-in-Chief, with advice from the Managing Editor, can give as many or as little verbal and written warnings as deemed necessary.
- d. Formal Notice of Disciplinary Action
  - i. Law Review Members must be given written notice of disciplinary action within two weeks (14 calendar days) after the issue has been brought to the attention of the Editor-in-Chief, and it shall be the responsibility of the Editor-in-Chief to maintain proper notice requirements.
  - ii. The Editorial Board shall issue formal notice, via the Managing Editor, of disciplinary action by majority vote or by discretion of the Editor-in-Chief.
  - iii. Depending on the severity of the wrongdoing, the Editorial Board may, by a majority vote, suspend all rights, privileges, and assignments of the individual in question, or it may be done at the discretion of the Editor-in-Chief.
- e. Disciplinary Hearings
  - i. The Editorial Board will conduct a hearing no later than one week after notice of disciplinary action to the individual in question.
  - ii. The Editorial Board, by majority vote, must determine whether or not to hold the hearing in the presence of the individual in question.

- iii. Only through a formal hearing can a Law Review member's tenure and continuance on Law Review be brought to question.
- f. Formal Notice of Decision
  - i. Law Review members under disciplinary review must be given written notice of the decision of the hearing the next business day.
  - ii. This cannot be waived nor changed by either the Editorial Board nor Editor-in-Chief
- g. Expulsion of a Law Review Member
  - i. Expulsion of a Senior Editor or Associate Editor must be done by a majority vote of the Editorial Board.
  - ii. Expulsion of an Editorial Board Member must be done by a two-thirds (2/3) majority of all members, not including the member in question.
  - iii. Votes to expel any member of Law Review must be done outside of their presence.
  - iv. No member of Law Review can be removed for any preemptory reason, nor for a reason that does not:
    - 1. Breach moral character and fitness as stated by Article V,
    - 2. Constitute a breach of good standing as noted in Article VIII, Section 1,
    - 3. Breach any duty assigned as stated in Article VI, Sections 3 and 5,
    - 4. Or a combination of the three.
- h. No Expulsion by One Individual
  - i. In the essence of ensuring that all Editorial Board Members have a say in the disciplinary action to be made for an individual in question, no one member of Law Review can expel another member on their own.
- j. Emergency Waiver of Notice and Hearing
  - i. If the Law Review Member in question of having committed the wrongdoing poses a serious or hazardous risk to the health, livelihood, or safety to any other Law Review Member or student at the university, the Editorial Board may expel him or her outright, without notice or a hearing, regardless of their position.
  - ii. The issue may be brought up by the Editor-in-Chief or a majority vote by the Editorial Board.
  - iii. This vote to expel must be unanimous.
  - iv. The vote must be held outside of their presence.
  - v. It will be the duty of the Editorial Board not to use this power unless it is absolutely necessary.

## **ARTICLE IX: FACULTY MEMBERS**

### **SECTION 1: Selection of Faculty Advisors**

- a. The Editorial Board shall designate one or more faculty member(s) to serve as Faculty Advisory Board members. The Faculty Advisor(s) must be confirmed by a two-thirds (2/3) majority vote by each of the new Editorial Board.
- b. There is no limit to the number of terms the Faculty Advisor(s) may serve.

- c. The Faculty Advisory Board members shall serve until either the individual faculty member requests to be released from the position, or until the Editorial Board decided to release the individual faculty member from their advisory position for any reason deemed appropriate by the Editorial Board.
- d. The Faculty Advisor(s) will be subject to review on a yearly basis by the Editorial Board to assess their performance in relation to their duties and powers. These requirements can be waived at the discretion of the Editor-in-Chief.
- e. Should the Editorial Board determine by a two-thirds (2/3) majority that a Faculty Advisor is unfit to continue working with the Law Review, the Faculty Advisor shall be removed with the Law School Dean's approval.

#### SECTION 2: Duties of Faculty Advisors

- a. Faculty Advisor(s) may work with the Editorial Board to aid in the execution of the goals of the Law Review. Their role is also to provide guidance to the Editorial Board when such guidance is warranted during the publication cycle. The Faculty Advisor(s) role may include the following:
  - i. Evaluate Associate Editor Articles and provide suggestions in deciding whether to publish the article in the online student publication.
  - ii. Read and evaluate outlines and drafts and provide constructive comments and suggestions on style, content, and organization.
  - iii. Meet with Editorial Board to discuss writers' progress and any problems that arise with individual writers.
  - iv. Serve as additional readers of drafts upon request of the Editor-in-Chief.
  - v. Assisting the Editor-in-Chief with procedural and personnel issues.
  - vi. Be available to talk to Law Review Members regarding difficulties they are having with their Law Review duties.
  - vii. Complete other jobs as needed.

#### SECTION 3: Powers of Faculty Advisors

- a. Advise the Editorial Board on all matters brought to the Faculty Advisor(s)' attention.
- b. Attend Editorial Board meetings. If one or more Faculty Advisor(s) are unable to attend any Editorial Board meeting, the Editor-in-Chief shall, within seven (7) days, send a memorandum of the proceedings to the Faculty Advisor(s).
- c. The Faculty Advisor(s) shall not have the power or authority to vote at meetings of the Editorial Board or to override any decision of the Editorial Board of an Editorial Board Member, including, but not limited to, decisions regarding deadlines, disciplinary measures or reprimands to a member, or selection of an article or note for publication.

### **ARTICLE X: AMENDMENTS TO THE CONSTITUTION**

#### SECTION 1: Adoption

- a. The Constitution of the Law Review shall be adopted by a majority vote of the subsequent Members of the Editorial Board every year, within a reasonable time after the election of the new Editorial Board.
- b. Adoption must happen before amendments can be made.

## SECTION 2: Amendments

- a. After adoption, any Editorial Board Member can propose modifications, additions, and/or repeals to this Constitution to the rest of the Editorial Board.
- b. Any change requires a two-thirds (2/3) majority vote.

## SECTION 3: Invalidity

- a. In the event any one of, any part of, or the sum total of any part of this Constitution are found to be invalid, illegal, or otherwise void, those remaining sections and articles unaffected by such determination remain in force until such time the Editorial Board can revisit the constitution for revision.

## SECTION 4: By-Laws

- a. The Law Review may create a set of By-Laws at its discretion that serve as a means to supplement the constitution and guide administration.
- b. The creation of these By-Laws must be approved by a two-thirds (2/3) majority vote of the Editorial Board.
- c. Any of adoption the constitution in any form requires a subsequent and separate adoption of any By-Laws created.
- d. No set of By-Laws can supersede the Constitution.
- e. Any set of By-Laws created with the intent to supersede, repeal, abrogate, overturn, reverse, or otherwise render any provision of the Constitution null is void on its face.
- f. Only by constitutional amendment can any set of By-Laws (if created) have a higher level of authority than the Constitution or any of its individual provisions.

## **ARTICLE XI: RESOLUTION**

WHEREAS, the purpose of this Law Review is to promote a positive image of THURGOOD MARSHALL SCHOOL OF LAW.

WHEREAS, the production process of Law Review is facilitated by clear and concise guideline of conduct.

WHEREAS, this document is designed to facilitate the production and staff management of the Law Review.

BE IT RESOLVED, this document shall be known as referred to as the TEXAS SOUTHERN UNIVERSITY THURGOOD MARSHALL LAW REVIEW CONSTITUTION, and shall be the sole, controlling document of the Law Review.

BE IT FURTHER RESOLVED that the Staff and Editorial Board shall abide by the provisions of this Constitution and Bylaws regarding all Law Review matters.

Originally signed the 29th day of April, 1988 by the following persons:

MCKINLEY MARTIN, Editor In-Chief  
ANGELICA BARILL, Executive Editor

GEORGE BRADLEY, Articles Editor  
FAYE GORDON, Comments Editor  
ERIC DOBBERSTEIRN, Notes Editor  
REGINA L. IRVIN, Book Review Editor PAT  
STEARNS, Research Editor  
GREGORY BRIDGES, Business Editor  
OSCAR PRIOLEAU, Business Editor

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The Bylaws Committee by the following members revised this Constitution and Bylaws on The 23rd of April 1995:

LANCE KASSAB, Editor-in-Chief 1994-1995  
JEFF JARVIS, Executive Editor 1995-1996

Adopted and ratified on the 22nd of May, 1995 by the 1995-1996 Editorial Board.

PATRICK CLARKE, Editor-in-Chief  
JEFF JARVIS, Executive Editor  
YOLANDA MONTGOMERY, Managing Editor  
BETTY WONG, Business Editor  
CHRISTINE ALDEN, Research Editor  
PATRICE BENFORD, Articles Editor  
LINDA BELL, Articles Editor  
TAMMY SIMIEN, Notes Editor  
JAIME MUNOZ, Comments Editor

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the executive board and placed into effect at the commencement of the 1996 Fall Semester by the following members of the executive board voting:

NITA WEBBER, Editor-in-Chief  
GREG STATON, Executive Editor  
ANDREA BROUSSARD, Managing Editor  
CURTIS FRENCH, Notes Editor  
AL WASHINGTON, Research Editor  
SYBIL BATES MCCORMACK, Articles Editor  
STEVE GANTER, Articles Editor

Members of the executive board not voting:

JONATHAN SPIVEY, Business Editor

GENE GAMEZ, Comments Editor  
CON HARBOUR, Articles Editor  
DERRICK REESE, Articles Editor

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 22nd day of September, 1997 by the following members of the Editorial Board voting:

WENDELL JONES, Editor-in-Chief  
GRETCHEN MERENDA, Executive Editor  
CHERYL FISHER, Managing Editor  
MELISSA MORALES, Business Editor  
REGINALD BUSSEY, Notes Editor  
LUANN TREVINO, Research Editor  
SHAWN SMITH, Articles Editor SHIRELA  
PATTERSON, Articles Editor

Members of the Editorial Board not voting:

DAVID PERWIN, Articles Editor  
KARMEN ROANN, Comments Editor  
LAMIS SAFA, Research Editor

This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 27th day of September, 1998 by the following members of the Editorial Board voting:

JOYCE SIMS, Executive Editor  
DAWN ALLISON, Managing Editor  
EFFIE LEWIS, Articles Editor  
LASHUNDA LOWE, Research Editor  
TERN F. LEFTWICH, Notes Editor

Members of the Editorial Board not voting:

MAJORIE MURPHY, Business Editor  
FRANCES BALONWU, Comments Editor  
CEDRIC D. SCOTT, Research Editor  
CRAIG RIBBECK, Articles Editor  
TOKAY HACKETT, Articles Editor

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the executive board and placed into effect at the commencement of the 2nd day of October, 2002 fall semester by the following members of the Executive Board voting:

TYRINA D. BLOMER, Editor-in-Chief  
MARK GRAFENREED, Executive Editor  
MONIQUE MYATT, Managing Editor  
AL LOWE, Notes Editor  
TRACEY R. MARSHALL, Comments Editor  
LONNIE MILLS, Lead Articles Editor  
NICOLE L. DAVIS, Research Editor  
ELVIN ROSS, Business Editor

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the executive board and placed into effect at the commencement of the 29th day of September, 2003 fall semester by the following members of the Executive Board voting:

SHARONDA JOHNSON, Editor-in-Chief  
VICTORIA BROUSSARD, Executive Editor  
SANDRA DIEUDONNE, Managing Editor  
ALTRESHA BURCHETT, Business Editor  
MONIQUE WARD, Lead Articles Editor  
PHILIP PEREZ, Notes Editor  
LAMONIKA HURST, Comments Editor  
DENOTRA STEWARD, Staff Editor  
DAVE DAVIS, Staff Editor  
KEENYA HARROLD, Staff Editor  
SEAN PAYNE, Staff Editor  
MARISSA GARCIA, Staff Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the executive board and placed into effect at the commencement of the 15th day of February, 2004 spring semester by the following members of the Executive Board voting:

ALTHEA NICHOLSON, Editor-in-Chief E.  
MARIE JAMISON, Executive Editor  
DAMIANE CURVEY, Managing Editor  
ANGEL HALL, Lead Articles Editor

ERICKA THOMPSON, Notes Editor  
SHELLY DAVIS, Research Editor

Members of the Editorial Board not voting: PAUL TU, Business Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the executive board and placed into effect at the commencement of the 26th day of April, 2005 spring semester by the following members of the Executive Board voting:

J'ANTAE D. HALL, Editor-in-Chief  
NATHAN KENNEDY, Executive Editor  
OKECHUKWU OGBA, Lead Articles Editor  
TREVOR COOK, Business Editor  
KANIKA WALKER, Notes Comments Editor  
AUDRA RILE, Research Editor  
SHONITA BLACK, Articles Editor  
RODERICK WILSON, Article Editor

Members of the Editorial Board not voting: ELISA CONTRERAS, Managing Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the executive board and placed into effect at the commencement of the 20th day of April, 2006 spring semester by the following members of the Executive Board voting:

OMARI JACKSON, Editor-in-Chief  
DERRICK REED, Executive Editor  
TRACY PENN, Lead Articles Editor  
YAHAIIRA QUEZADA, Business Editor  
DANA FIELDS, Notes Comments Editor  
CHIUQUIA ROBERSON, Research Editor  
RODNEY BROWN, Articles Editor

Members of the Editorial Board not voting: APRIL GAMBLE, Managing Editor, AKIL BUTLER, Articles Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 6th day of March, 2009 by the following members of the Editorial Board voting:

DALE LEE BERG III, Editor-in-Chief  
KAMERON BRACKINS, Managing Editor  
KATE STARNES, Lead Articles Editor  
JANELLE MARSHALL, Research Editor  
NICOLE ROBERTS, Articles Editor

Members of the Editorial Board not voting:

ETHEL HERNANDEZ, Executive Editor  
TONYA COX, Symposium Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 26th day of March, 2010 by the following members of the Editorial Board voting:

TAMARA TABO, Editor-in-Chief  
ELIZABETH ALDERSON, Executive Editor  
KATHERINE BAUER, Managing Editor  
SUSAN AKINYEMI, Lead Articles Editor  
HOLLY MUSGRAVE, Research Editor  
AMY BENYA, Articles Editor  
DAEDREA HORNE, Business Editor  
JACQUELINE SIMS, Symposium Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 28th day of February, 2011 by the following members of the Editorial Board voting:

STEVEN WALDEN, Editor-in-Chief  
PATRICE HOLMES, Managing Editor  
CANDACE CARPENTER, Lead Articles Editor  
JANA LEWIS, Articles Editor  
JUSTIN STUDDARD, Articles Editor  
ULISES MARTIN, Business Editor  
WHITNEY WHITE, Symposium Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect by the following members of the Editorial Board voting in 2012 (exact date of adoption and ratification unknown):

JESSE CORONA, Editor-in-Chief  
KIETH FRANKIN, Executive Editor  
MARISSA MARTINEZ, Managing Editor  
GEORGEANNA WALLEN, Lead Articles Editor  
KAVITA BRIGNAC, Articles Editor  
LAUREN DAHLSTEIN, Articles Editor  
JAMIE THOMPSON, Articles Editor  
RICHARD NGUYEN, Business Editor  
DONELL SAMUELS, Symposium Editor  
JOSEPH WASHBURN, Research Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 4th day of October, 2013 by the following members of the Editorial Board voting:

JONATHAN EVERHART, Editor-in-Chief  
OSCAR PEÑA III, Executive Editor  
RIAN ERVIN, Managing Editor  
DaVONDA BROWN-TRAYLOR, Lead Articles Editor  
KIA FLEURINORD, Articles Editor RUBEN  
GANDIA, Articles Editor

JUSTIN GUENLEY, Articles Editor A'KIESHA  
WHITE, Business Editor  
CASEY HANDY, Symposium Editor  
AMIR TAVAKKOLI, Research Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 27th day of August, 2014 by the following members of the Editorial Board voting:

KENDRACK LEWIS, Editor-in-Chief  
NOOR ALI, Executive Editor  
LaCRECIA PERKINS, Managing Editor  
ENRIQUETA PEREZ, Lead Articles Editor  
ROBERTO CANTU, Articles Editor  
VANESSA GOUSSEN, Articles Editor  
EBONIE ROCIO, Articles Editor  
JOHN OKONJI, Business Editor  
SHANTIA SHAW, Business Editor  
ANDREA MORAN, Symposium Editor  
DELAYNA GRIFFIN, Research Editor  
VANESSA RAMIERZ, Digital Content Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 18th day of August, 2015 by the following members of the Editorial Board voting:

MATTHEW BOURDA, Editor-in-Chief  
KIERA WELSH, Executive Editor  
RICARDO HERNANDEZ, Managing Editor  
ASHLEY TIZENO, Lead Articles Editor  
ASHLEY DeHART, Articles Editor LEAH  
PINKARD, Articles Editor

TAYLOR FELTON, Articles Editor  
JULIANA SHAW, Business Editor  
ROBEN WEST, Business Editor  
SEDRICK STAGG, Symposium Editor  
BRITTANY POTVIN-GREEN, Research Editor  
JAY GARZA, Digital Content Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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Amendment made to Art. VIII, Section 2(d)(i) was made and ratified the 26th day of October, 2015 by the following Editorial Board Members:

MATTHEW BOURDA, Editor-in-Chief  
KIERA WELSH, Executive Editor  
RICARDO HERNANDEZ, Managing Editor  
ASHLEY TIZENO, Lead Articles Editor  
ASHLEY DeHART, Articles Editor LEAH  
PINKARD, Articles Editor  
TAYLOR FELTON, Articles Editor  
JULIANA SHAW, Business Editor  
ROBEN WEST, Business Editor  
SEDRICK STAGG, Symposium Editor  
BRITTANY POTVIN-GREEN, Research Editor  
JAY GARZA, Digital Content Editor

Amendments made to Art. VI, Sections 1(a) and 2 were made and ratified the 13th day of January, 2016 by the following Editorial Board Members:

MATTHEW BOURDA, Editor-in-Chief  
KIERA WELSH, Executive Editor  
RICARDO HERNANDEZ, Managing Editor  
ASHLEY TIZENO, Lead Articles Editor  
ASHLEY DeHART, Articles Editor LEAH  
PINKARD, Articles Editor  
TAYLOR FELTON, Articles Editor  
JULIANA SHAW, Business Editor  
ROBEN WEST, Business Editor  
SEDRICK STAGG, Symposium Editor

BRITTANY POTVIN-GREEN, Research Editor  
JAY GARZA, Digital Content Editor

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 28th day of April, 2016 by the following members of the Editorial Board voting:

SEKEIA M. WYATT, Editor-in-Chief  
NEKKETTA ARCHIE, Executive Editor  
KELECHI ONWUMERE, Managing Editor  
CAITLIN HODGE, Lead Articles Editor  
DIVYA RAJ, Digital Content Editor  
BALTAZAR SALAZAR, Articles Editor  
MYA JOHNSON, Articles Editor  
EBONY YOUNG, Articles Editor  
ROBERT BROWN II, Business Editor  
MELISSA RICHARD, Form and Accuracy Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 2nd day of August, 2021 by the following members of the Editorial Board voting:

MOKA NDENGA, Editor-in-Chief  
TAVIEA CAREY, Executive Editor  
ALEXANDRA T. FUELLING, Managing Editor  
CAROLINE LOVALLO, Symposium Editor  
SEPHORA TSHISWAKA, Digital Content Editor  
CHASITY HENRY, Lead Articles Editor  
BRIONA CARUTHERS, Business Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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This amended THURGOOD MARSHALL LAW REVIEW CONSTITUTION was revised and ratified by the Editorial Board and placed into effect the 18th day of August, 2022 by the following members of the Editorial Board voting:

TAMSIN WOOLLEY, Editor-in-Chief  
LILLIE GRAHAM, Executive Editor  
SHANEIL SNIPE, Managing Editor  
ADRIANNA IVORY, Symposium Editor  
JENNIFER LUNA, Digital Content Editor  
PAIGE COLEMAN, Lead Articles Editor  
ROBERT GANT, Business Editor

Be it said that on the above mentioned date, and by the power vested by this Constitution and Bylaws, through the Law Review Board above listed these Bylaws are hereby confirmed in order and manifest in all who are enlisted by it.

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