BYLAWS

OF

HASTINGS COMMUNICATIONS AND ENTERTAINMENT LAW JOURNAL

Article I -- Name

1.1 COMM/ENT is the official name and citation form of Hastings Communication and Entertainment Law Journal, a University of California, Hastings College of the Law scholarly publications academic program.

History of Section


Notes

COMM/ENT is a dual entity, enjoying the status, rights and privileges of both an official Hastings student organization as well as that of an official academic program under the auspices of Hastings College of the Law, the Academic Standards Committee, the Office of the Academic Dean and the Hastings Scholarly Publications Office. See Hastings Academic and Related Regulations Excerpt (HARRE) § 2611, pp. 24 (July 2000).

Informal Decisions

COMM/ENT is not required to report state journal budget summaries provided to COMM/ENT by Scholarly Publications to Student Services. 10/5/2000 email from Scholarly Publications to Student Services; 10/05/2000 email from Fiscal Services to Student Services.

Article II -- Purpose

2.1 Generally

The primary purpose and objective of COMM/ENT is to operate the above law journal on a timely production schedule and produce the highest quality scholarly legal publication practicable covering the areas of media, communications, art and entertainment, information technology, the Internet and other intellectual property and First Amendment issues. These topics represent major topic areas, and are not exhaustive.
2.2 Hastings College Academic Code and other Policy Compliance

2.2.1 Generally

COMM/ENT shall comply with all applicable law and academic rules, regulations, guidelines and policies including Hastings College of the Law Academic and Related Regulations, the Policies and Regulations Applying to College Activities, Organizations and Students, and Scholarly Publications rules, policies and guidelines.

History of Section

See History and Notes, COM/ENT Bylaws § 1.1; HARRE §§ 2601-2611, pp. 22-24 (July 2000); HSO (2000).

2.2.2 Policy Documentation

To the maximum extent feasible, COMM/ENT’s Managing Department shall research, collect and file official college documents relating to COM/ENT Bylaws § 2.2.1.

History of Section

Added by technical amendment pursuant to unanimous consent of Executive Board Regular Quorum on 2/13/2001 and 2/27/2001. See COMM/ENT Bylaws §§ 6.2.1, 6.3.

Article III -- Membership Qualifications

3.1 Non-Discrimination Compliance

COMM/ENT shall comply with all Scholarly Publications policies and rules governing journal membership eligibility. Further, COMM/ENT shall not in any way violate Hastings Nondiscrimination Compliance Code, and encourages diversity in its scholarly publication, journal membership and journal leadership.

History of Section

See History and Notes, COM/ENT Bylaws § 1.1; (PRCAOS) § 20.00 (6/22/1990) in (HSO), Exhibit Y (HSO pp.48 et seq.) at 2-3 (2000).

3.2 2L Members
3.2.1 Eligibility

Any student enrolled at UC Hastings College of the Law is eligible to join COMM/ENT as a 2L member as long as s/he meets the following requirements:
   a) S/he has completed at least 30 units (i.e. his/her first year of law school); and
   b) S/he has a minimum GPA of 2.2.

3.2.2 Selection

COMM/ENT participates in the annual inter-journal writing competition, and selects its members primarily based upon each applicant's performance thereon. Once all write-on applications are received, and the deadline for such receipt has passed, the Editor-in-Chief (EIC) divides equally the number of write-on applications according to the 1/2 the number of 3L senior editors who comprise the entire Executive Board, which is generally responsible for the journal's policy decision making. By this method of division, a pair of 3L Executive Board members will individually read, evaluate and score each write-on application. Each write-on application must be initially evaluated independently by two 3L Executive Board members.

The above 3L evaluation process is standardized; each evaluating 3L is required to mark a numeric number, 1-5 (1 being poor and 5 being excellent) for various areas of prospective journal member editorial competence. Evaluation areas include overall organization and presentation of the issues and governing law specific to the write-on problem, legal research skill and citation skills, as well as legal reasoning, analysis and conclusions. The 3L grader adds and records the score on the evaluation sheet as a raw score to distinguish generally high, middle and low raw scores. An overall pass or fail question is posed to the 3L for an answer one way or the other based upon the 3L's overall evaluation and judgement.

The personal statement is then read to assess the write-on applicant's interest and potential aptitude based on past life or work experience for COMM/ENT's general subject matter and for basic law journal responsibilities in general. A qualitative assessment is then made by the 3L evaluator. There is no negative evaluation for the qualitative assessment, only a check for whether there was a personal statement included with the write-on application, and a possible plus mark if a particular write-on applicant appears to be exceptionally suited for COMM/ENT membership based on strong interest and/or relevant past experiences.

When two 3Ls agree that a particular applicant should pass or fail overall on the respective write-on evaluation form, the EIC will presume that the candidate is eligible for an offer of membership if receiving two overall passing 3L scores, or not eligible for such offer if receiving two overall failing 3L scores. The EIC has the power to rebut either presumption based upon a full re-evaluation if the EIC feels this necessary upon a general review of each write-on application. When two 3L Executive Board members disagree as to the overall pass/fail determination, the EIC shall perform a full, detailed and independent re-evaluation of the particular write-on application. In making a determination upon review, the EIC may use grades as a factor in overriding a dual overall pass/fail presumption, and must use grades in evaluating whether to extend an offer of journal membership as a factor in breaking the tie between conflicting overall pass/fail 3L scores.
3.2.3 2L journal membership accrues when 1) a written offer has been made to an applicant pursuant to the write-on application evaluation in section 3.2.2; 2) the applicant accepts such offer by the applicable deadline; 3) the accepting applicant is validly and properly enrolled in COMM/ENT journal membership through the law school; and 4) the applicant pays the appropriate annual membership fee ($100.00).

3.3 3L Membership

3.3.1 Eligibility

Third year membership eligibility requires successful completion of 2L membership on COMM/ENT or any other recognized Hastings scholarly publication. The EIC may appoint 3Ls who have not served on any Hastings scholarly publication to board positions if necessary.

3.4 Membership Termination

3.4.1 2L Members

3.4.1.1 Forward by COMM/ENT of 2L Member Passing Grade to Records Office

3.4.1.1.a Membership in Good Standing

Membership in good standing is maintained by complying with COMM/ENT Bylaws § 3.2.2 including paying the applicable dues. Failure to pay 2L dues without making alternative or hardship waiver arrangements with the Managing Department or the EIC is grounds for the Executive Board withholding the 2L’s journal academic grade from being forwarded to the Records Office.

History of Section

Added by technical amendment pursuant to unanimous consent of Executive Board Regular Quorum on 2/13/2001 and 2/27/2001. See COMM/ENT Bylaws §§ 6.2.1, 6.3.

3.4.1.1.b Hours Requirements

COMM/ENT 2L hours requirements consist of two elements. The first is mandatory journal meetings such as team edit and note orientations. The second is timely and competent completion of team edit assignments. See CMH V23 pp. 13-17, Summary of COMM/ENT 2L Requirements for Academic Credit.
In addition to these requirements, the EIC may impose mandatory office hours at his/her discretion. This policy must be established prior to the start of the fall semester.

3.4.1.1.c Note Requirement

Notes must be submitted no later than the deadline, Friday 12 midnight prior to commencement of spring break. The note writing process as outlined in the member handbook and by the EIC and Senior Note & Development Editor shall be complied with by each 2L, and waivers of incremental deadlines and requirements such as preemption reports, outlines and rough and final drafts shall be at the sole discretion of the Executive Notes & Editors subject to review by the EIC. See CMH V23 pp. 13-17, Summary of COMM/ENT 2L Requirements for Academic Credit.

3.4.1.2 Failing Grade, Withdrawal from Course and Incompletes

Failure to meet these minimum requirements is cause for referral to the Dean of Students for journal course drop or the forwarding of a grade of “F” to the Records Office. Pre-journal drop date withdrawal is upon request of the 2L member to the Dean of Students, and Post-journal drop date withdrawal is a discretionary matter for the EIC. A failing grade referral is at the discretion of the Executive Board, and the EIC shall refer any proposed failure for any of the above reasons to a mandatory regular quorum for simple majority vote. The EIC may override any such vote pursuant to § 6.1.

Factors to be considered before such vote is taken include, but are not limited to, 1) timeliness and quality of the Member's note if submitted, 2) hours participation, and 3) other appropriate equitable factors. Failure to complete assigned work may result in loss of hours penalties.

History of Section


Article IV -- Officers

4.1 Senior Executive Board and Associate Editors

4.1.1 Eligibility

4.1.1.1 Generally

Qualification for Senior Executive Board and Associate Editor membership requires successful 2L COMM/ENT membership resulting in a passing grade. Senior Executive Board and Associate Editor membership terms generally concur with each academic year and corresponds to each respective volume of publication.
4.1.1.2 EIC

The chief executive officer, the EIC, is designated by election. Any 2L member in good standing may run for EIC, subject to the rule in section 4.2.1.1, ante, and may decline to continue being a candidate at anytime prior to the final elections results. -- VACANCY POST EIC ELECTION PROVISIONS RESERVED --

The EIC for each subsequent volume is elected to office by an electorate consisting of the 2L and 3L membership, the Executive Board of the immediately prior volume. Each person in the above three classes has one vote if they should decide to vote upon the election of the next volume's EIC. The EIC shall be elected by majority vote, and if the first vote produces a tie or a plurality, the candidates receiving the two highest number of votes shall be subject to a run-off vote. If two or more should tie in a pre-run-off election producing a plurality, there shall be a run-off vote to determine who will run against the plurality candidate. Candidates have the option of participating in a run-off, or may cede their position. In such case, the candidate with the highest votes shall be deemed EIC.

The EIC election shall be held the first week in February; the voting period shall commence at the close of a candidates’ forum on Tuesday of election week, and shall be remain open until 5pm Friday; the ballot shall be by email to the journal email address: comment@uchastings.edu; the email ballots shall be counted by the EIC, with supervision by the managing department; the EIC may waive non-substantive election procedures if exigent circumstances require; exigent circumstances in an election may include, but are not limited to, power outages, office lockouts, or other circumstances beyond the control of the Executive Board.

The current Executive Board shall arrange and make available a candidates’ forum wherein candidates may distribute written or other relevant materials on various mediums immediately prior to and during the forum; the forum shall provide an opportunity for the candidates’ and other journal members to present and exchange relevant ideas and journal platforms; candidates shall submit written statements of candidacy to the current EIC at least 1 week preceding the day of the forum; the forum shall be open to non-journal participants according to law school policies.

History
Paragraph 2 of this section erroneously qualified 3L Associate Editors for electing a succeeding EIC. This was contrary to Volume 23’s understanding of customary procedures. A technical amendment was approved to strike this provision by unanimous consent of Executive Board Regular Quorum on 2/13/2001. See Bylaws §§ 6.2.1, 6.3

4.1.1.3 Inferior Senior Executive Board Members and Associate Editors

All Senior Executive Board members other than the EIC, as well as Associate Editors, are appointed by the EIC. The EIC may directly name and appoint such inferior officers and associates as appropriate, or may, upon notice to qualified 3Ls (see section 4.2.1.1, ante), conduct applications and interviews to fill such positions. The EIC has the power to set, modify
and/or re-organize the structure of the inferior component of the Senior Executive Board and associate editorial staff, including its membership, for cause.

-- FURTHER SPECIFIC PROCEDURES RE INFERIOR OFFICERS/ASSOCIATES RESERVED --

Article V -- Executive Board Meetings

5.1 Generally

The Executive Board for each volume shall meet as needed in the Summer preceding the academic year for which such term applies, and may include teleconference attendance. During the academic year, the Board shall meet regularly at a time and place determined by general consensus of the Board in the Journal Conference Room or Journal Office. This is a designated forum subject to closed session, and attendance may be limited to Executive Board and Associate Editors. The EIC may modify this schedule and/or cancel any particular meeting at will or for good cause. Each Executive Board Meeting will have an agenda subject to the input of Executive Board members, Associate Editors and 2L members. The EIC has plenary authority over the final meeting agenda, as well as authority to deny an oral motion during the meeting to bring an issue before the Board during said meeting, subject to Executive Board consensus on the matter during the meeting. The EIC has final decision making authority on all matters within the power of the Executive Board.

5.2 Executive Board

Article VI -- Executive Board Authority

6.1 Generally

COMM/ENT editorial, operational and production policy is generally set, modified and revised via its Executive Board. Executive decisions are generally made based on a majority consensus, but are subject to plenary authority of the EIC. The EIC is ultimately authorized to govern, regulate and override all editorial, operational and production policies and decisions made by members of the Executive Board jointly and severally subject to section 2.2, ante. The EIC may also delegate specific decision making authority to an Executive Board member or members.

6.2 Formal Procedures
6.2.1 Bylaws Amendment

The EIC may unilaterally amend the Bylaws in the presence of a qualified quorum, subject to a veto of a quorum majority; a qualified quorum is limited to one of the following two quorum types: 1) a regular quorum consists of 1/3 or more of the total number of Executive Board members, but never less than 3; 2) an emergency quorum shall consist of at least 3 Executive Board members, and may be formed when there is less than the minimum number required for a regular quorum; the EIC has exclusive discretion to declare the necessity for an emergency quorum, which shall be called an EIC Quorum; the EIC has override authority on all Board votes except in the case of a Bylaws amendment which must equal or exceed 3/4 of the full Executive Board; any Executive Board member may calendar a motion to amend the Bylaws upon which the EIC shall put forth the amendment at the immediately subsequent Executive Board meeting; the Managing Department shall keep a current written hard copy on file and shall keep 2 electronic copies on the COMM/ENT network drive. Amendments shall be duly appended to these Bylaws in Article VII.

6.3 Informal Procedures

COMM/ENT hereby incorporates by reference COMM/ENT journal course of custom and usage represented by Executive Board transition training and official COMM/ENT internal publications such as the most recently published Member’s Handbook and Hastings Scholarly Publications Five Year Review Report. Where inconsistent with the current Bylaws as written, the Executive Board shall resolve the conflict if necessary by amending the content of the Bylaws or annotating the relevant provision(s) thereof.

History

Added by technical amendment pursuant to unanimous consent of Executive Board Regular Quorum on 2/27/2001.

Article VII -- Record of Amendments and Revisions

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<tr>
<th>Date</th>
<th>Event</th>
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<tr>
<td>10/04/2000</td>
<td>Filed Interim Bylaws with Student Services</td>
</tr>
<tr>
<td>1/31/2001</td>
<td>EIC Quorum Added Technical Amendments to Interim Bylaws</td>
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<tr>
<td>2/13/2001</td>
<td>Technical Revisions by EIC Quorum</td>
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<td>2/272001</td>
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<tr>
<td>4/17/2001</td>
<td>Formal Adoption of Bylaws by Executive Board</td>
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