BY-LAWS OF THE HASTINGS INTERNATIONAL AND COMPARATIVE LAW REVIEW

ARTICLE I. NAME

The name of this organization shall be the Hastings International and Comparative Law Review (hereinafter "HICLR").

ARTICLE II. AFFILIATION

HICLR is an official scholarly publication of the University of California, Hastings College of the Law, San Francisco, California, and operates under the general administration of the College.

ARTICLE III. POWERS AND RESPONSIBILITIES

A. The Editor-in-Chief shall have the authority to speak and act on behalf of the HICLR organization, including the disbursement of funds, pursuant to authority granted by, and subject to restrictions imposed by, the administration of Hastings College of the Law.

B. Expenditures of the HICLR organization shall be subject to periodic audit as deemed appropriate by the administration of Hastings College of the Law.

ARTICLE IV. PURPOSE

The purpose of this organization shall be to edit, publish, and market an annual volume of original legal research and scholarship of current interest and utility in the area of international and comparative law; to provide a larger number of Hastings students with the opportunity of gaining law review experience; to provide Hastings students with opportunities to learn about issues of international and comparative law; and to host an annual scholarly program in an area of international and/or comparative law.

The HICLR organization will publish articles, notes, comments, book reviews and other scholarly works concerning subjects of academic interest and legal problems encountered by private and public international lawyers.

ARTICLE V. FREQUENCY OF PUBLICATION

Each annual volume of the HICLR shall consist of three issues, including the scholarly program issue. In addition, each volume may include a special issue with inter-related article topics focusing upon a single area of the international and comparative law field.

ARTICLE VI. MEMBERSHIP

A. Size The organization shall consist of approximately twenty-five to forty-five members, approximately seven to thirty editors (including associate editors), and any number of 'senior members'.
B. Members

1. Eligibility
   All second year students enrolled in Hastings College of the Law and having a minimum cumulative grade point average of 2.200 shall be eligible for membership as HICLR members.

2. Selection
   Members will be selected as follows:

   Applicants will be ranked according to composite scores based on each student’s GPA, performance on the writing competition, and personal statement.

   The Editorial Board will draw applicants from the top of the rankings list in offering membership to an appropriate number of applicants to result in its target membership.

   a) Transfer Applicants
      Upon the determination of the number of invitations required to fill a target class of members, it is strongly recommended that the Editorial Board set aside a small number of invitations for transfer applicants. The Editorial Board should consider transfer applicants in a process that resembles section (a) above as closely as possible.

   b) Self-Submittal
      Students not selected to participate on HICLR by the above method of selection may seek HICLR membership through the process of self-submittal, subject to section (e) below. The following three requirements must be met:

      1) Prior to the first day of the fall semester, such student must submit to the Editor-in-Chief:

         (a) a personal statement;

         (b) a statement of whether the student participated in the writing competition held following the student’s first or second years as a Hastings student and, if the student did not participate in such writing competition(s), a statement as to why they did not so participate; and

         (c) the first draft of a note of publishable quality that includes the proposed text and footnotes in substantially complete form.

      2) The Editor-in-Chief and the Editorial Board must approve
the granting of self-submittal status to such student, considering the student's personal statement, statement of participation in a writing competition, and draft note.

c) **Summer Volunteer** Students may, within the discretion of the Editor-in-Chief, volunteer during the summer following their first or second years as a Hastings student. Students who perform fifty hours of summer volunteer work of reasonable quality shall have the option of becoming HICLR members, subject to section (e) below.

d) At the discretion of the Editor-in-Chief, no more than five positions total may be allocated to those who agree to work for HICLR during the summer or to self-submittal applicants.

e) The Editor-in-Chief shall inform prospective HICLR members of the self-submittal and summer volunteer process before the end of each academic year, preferably during any writing competition orientation meeting.

3. **Duties and Maintaining Membership**

a) During a student's first year of membership, such student must meet the following two requirements:

1) **Complete a note or comment** (hereinafter collectively "note") of publishable quality. A note will be deemed to be of "publishable quality" if it:

   a) Was not preempted as of the due date set by the Articles Editor for a preemption report;

   b) Contains original and in-depth legal analysis of one or more issues of international and/or comparative law;

   c) Is reasonably well-organized and polished in terms of spelling and grammar;

   d) It is at least 20 pages in length excluding footnotes (measured with double spaced lines, 1" margins on all four edges, and a 12-point fixed-width (e.g. Courier) font);

   e) Contains at least 100 footnotes formatted in conformity with the citation guide designated by the Articles Editor;
f) Was completed with a good faith effort to adhere to the deadlines set by the Articles Editor for completion of each stage of the writing process.

2) Complete a minimum number of hours assisting HICLR. Students may spend these hours on duties that include but are not limited to cite-checking professional articles and student notes, galley-proofing, organizing mailings, etc.

The Managing Editor shall establish and monitor a record of each student’s hours and the tasks performed by each student. The Editor-in-Chief shall have discretion to set, and, if prudent, adjust during the year, the minimum number of production hours required of each member.

b) It will be each student’s responsibility not only to accomplish the duties assigned to him/her, but also to seek out available tasks in order to fulfill the requisite number of production hours necessary to earn his or her academic credit. Each student shall also have responsibility for maintaining his or her entries in the Managing Editor’s hours record.

c) Failure to complete a note of publishable quality on schedule or failure to devote the required hours to HICLR will be grounds for revoking membership.

d) Students must pay reasonable annual membership dues as established by the Editorial Board.

4. Academic Credit Members shall receive academic credit as provided in the Hastings College of the Law Academic Regulations upon satisfactory completion of the duties enumerated above. The Editor-in-Chief shall determine whether a member has satisfactorily completed his or her duties, and shall recommend to the Academic Dean whether credit should be granted or denied. This recommendation may be overruled by a vote of two-thirds of the Editorial Board. A participant is entitled to appeal a decision of the Editor-in-Chief to the Editorial Board and thereby force a vote.

5. Diversity in HICLR Membership It is the goal of HICLR that its membership reflect the diversity of the international community and include people from diverse backgrounds. In order to enable the selection of a multicultural membership, writing competition participants shall be encouraged to submit statements regarding their background, international experience, work experience, language skills, and academic and cultural expertise with countries other than the United States. The content of these statements shall be a factor in the selection process.
C. Editors

1. Eligibility

   a. All members who have completed a note of publishable quality and have satisfactorily completed their other duties, as outlined above, for either HICLR or another legal journal, and who are currently enrolled as third-year students having at least a minimum cumulative grade point average of 2.500 are eligible to be editors.

   b. A person who has not been a member of HICLR may also be eligible to become an editor if, in the opinion of the Editor-in-Chief, that person has special qualifications that could be of substantial service to HICLR. The Editor-in-Chief shall consider whether such appointments are consistent with the Hastings Academic Regulations.

2. Editorial Board Structure

   a. The Editorial Board shall consist of at least seven but no more than thirty editors including the Editor-in-Chief, the Executive Editor, the Managing Editor, the Articles Editor(s), the Scholarly Programs Editor(s), the Supervising Editor(s), and other positions as designated and named by the Editor-in-Chief.

   b. The Editorial Board is empowered to take all action necessary and appropriate for the operation of HICLR. All decisions made by the Editorial Board shall be made upon majority vote of the membership of the Editorial Board.

3. Selection of Editors

   a. Editors for the academic year will be chosen during the preceding spring semester.

   b. Election of Editor-in-Chief The position of Editor-in-Chief shall be an elected position. Election of the candidate shall be by a simple majority of all HICLR members, preferably prior to the spring break of the candidates’ second year as Hastings students, according to one of the following methods selected by the Editorial Board:

   1) At an election meeting with a quorum of 50 percent plus one of the HICLR membership. In the event that one candidate does not receive a majority of the votes on the first ballot, a run-off vote shall be taken between the two individuals receiving the greatest number of votes. Only those who are present at the meeting, or who have made prior arrangements for the Editor-in-Chief to vote as their
proxy, may vote; or

3) By each HICLR member casting his or her vote at a poll (the location of which shall be determined by the Editorial Board) over a period of two (2) consecutive days. In the event that one candidate does not receive a majority of the votes on the first ballot, a run-off election shall be held between the two individuals receiving the greatest number of votes. The form of the run-off election will be within the discretion of the Editorial Board.

4) Requirements for Candidacy

a) Candidates shall possess at least a minimum cumulative grade point average of 2.500.

b) Prior to election, candidates shall submit to the HICLR membership a platform statement including, but not limited to, their qualifications, proposals, and interest in the position for which they are running.

c. Other Editorial Positions

1) Editorial Board

a) All other Editorial Board positions shall be appointed by the Editor-in-Chief with the advisory assistance of the outgoing Editorial Board.

b) The appointment by the Editor-in-Chief of an Editorial Board member is not final until the member's academic eligibility is established.

2) Associate Editors for the academic year will be chosen during the preceding spring semester. Additional Associate Editors may be added at a later date under circumstances deemed appropriate by the Editorial Board and/or Editor-in-Chief.

d. Application for Editorial Board Positions. An application for an editorial position may include, but is not limited to, the following information:

1) Designation of the position(s) sought.

2) Anticipated workload for the succeeding academic year, i.e., the number of academic units which he or she must
complete to graduate, as well as any part-time job or externship in which he or she will be engaged.

4) Resume, listing qualifications, background in international and comparative law, education abroad, areas of expertise, and language(s) spoken.

5) A statement of interest as to why the applicant is seeking the particular editorial position(s).

e. **Associate Editor Positions** Each Editor (i.e. those editors who are Board Members) shall assist the Editor-in-Chief in appointing Associate Editors in accordance with the foregoing provisions of these By-Laws, preferably with the advisory assistance of the outgoing Editorial Board.

D. **Senior Members**

1. Any third year student who has a GPA of at least 2.200 at the end of his or her second year and has received credit as a HICLR member shall be eligible to become a Senior Member.

2. Senior Members shall be chosen by the Editor-in-Chief upon a strong showing of interest in and dedication to HICLR.

3. Senior Members shall perform the same duties and functions as associate editors.

**ARTICLE VII. FACULTY ADVISORS**

A. Faculty advisors shall serve in an advisory capacity to the HICLR Editorial Board.

B. The Editorial Board shall have the power to invite faculty members to serve as faculty advisors.

**ARTICLE VIII. MEETINGS**

A. **Special Meetings** The Editor-in-Chief may call publicly announced meetings as necessary in order to facilitate the business of HICLR. In addition, a special or emergency meeting of the membership may be called by three editors or by six members in order to facilitate the business of HICLR. All such meetings must be announced so that reasonable notice is given to the members.

B. **Agenda and Minutes** An Agenda shall be published for all meetings. Minutes may be taken, typed and permanently filed with the records of HICLR.

C. **Rules and Procedure** Meetings will be conducted in accordance with rules and procedure chosen and announced by the chairperson at the beginning of each meeting.
ARTICLE IX. PROCEDURE FOR REVOKING MEMBERSHIP

A. Performance Criteria The Editorial Board shall set forth in written form performance criteria with which members must comply to obtain credit during the academic year. Said criteria may be contained in a Member’s Manual or any other written form as determined by the Editorial Board. Such performance criteria shall include the requirement that the participant write and complete a note of publishable quality. The performance criteria shall also include the requirement that the participant engage in the regular duties of HICLR. Other criteria shall be set forth as the Editorial Board deems necessary.

B. When Membership May Be Revoked The participant’s membership may be revoked at any time when it is determined that he or she has not put forth a satisfactory effort to complete a note of publishable quality according to the criteria set forth by the Editorial Board, or that he or she has failed to devote the required time to HICLR.

C. Recommendation of Revocation Recommendation to revoke HICLR membership of a member shall be submitted by the member’s Articles Editor or the Managing Editor to the Editor-in-Chief.

D. Notice of Probationary Period Upon receiving a recommendation to revoke the membership of a HICLR member, the Editor-in-Chief shall inform the participant against whom the recommendation has been directed of such recommendation.

1. At the Editor-in-Chief’s discretion, the member may be placed on probation for a period of two weeks. During the probationary period, the member shall have an opportunity to remedy any performance deficiencies and to meet the performance criteria as set forth by the Editorial Board.

2. Notice of Revocation Hearing If, at the end of the two-week probationary period, the member has failed to satisfy the criteria set forth by the Editorial Board, the Editor-in-Chief shall inform the participant of the date and time at which a meeting to consider the member’s removal will be held.

E. Revocation Hearing At the special meeting scheduled to consider a motion of removal of a member, the Editor-in-Chief will consider all evidence relevant to the cause upon which the complaint was based as presented by the complaining editor. The participant shall be given a fair opportunity to answer the complaint. The Editor-in-Chief will decide whether or not to revoke the member’s membership.

F. Right to Appeal A member may appeal a revocation of his or her membership by appealing to the full Editorial Board within two weeks of the Editor-in-Chief’s decision to revoke. The Editorial Board shall meet in special session to consider the appeal and may reverse a revocation by a two-thirds majority vote if the
member shows that the revocation was arbitrary and not for just cause.

G. Notice of Revocation to Hastings College of the Law Within two weeks of the final decision to revoke membership, the Editor-in-Chief shall inform the dean of the college or his or her delegate that the member's membership has been revoked.

ARTICLE X. PROCEDURE FOR REMOVAL OF AN EDITOR

A. Grounds for Removal of an Editor Removal of members of the Editorial Board shall be for cause only. Cause shall be defined as neglect of duty, or the commission of any act that involves moral turpitude.

B. Motion of Removal
1. A motion of removal of an editor may be submitted by any member of the Editorial Board to the Editor-in-Chief.

2. In addition, a motion of removal of an editor may be submitted by three members who have a specific grievance against the editor and who have sought and exhausted all other remedies (e.g. a change of their Articles Editor).

3. A motion of removal of an editor must be approved by a majority vote of the entire membership of the Editorial Board.

C. Notice of Removal Hearing Upon the adoption of the motion of removal, the Editor-in-Chief shall schedule a special meeting to consider the removal of the editor against whom the motion has been adopted. The Editor-in-Chief shall inform the editor against whom the notice has been directed of the date and time at which a meeting to consider the editor's removal will be held. If the motion is against the Editor-in-Chief, then the Executive Editor shall schedule the special meeting and inform the Editor-in-Chief of the date and time of same. The special meeting is to be scheduled no earlier than one week nor later than two weeks from the date of the adoption of the motion to remove.

D. Removal The presence of at least two-thirds of the Editorial Board is required at the special meeting scheduled to consider a motion of removal of an editor. The Editorial Board will consider all evidence relevant to the cause upon which the motion of removal was based, as presented by the complaining party or parties who initiated the motion. The editor whose potential removal is the subject of the meeting shall be given a fair opportunity to answer the complaint. Following this hearing, the formal motion of removal of the editor from the Editorial Board shall be introduced and voted upon. This motion shall require a two-thirds majority of the Editorial Board members present for approval.

E. Notice of Removal to Hastings College of the Law Within two weeks of the final decision to remove an editor from the Editorial Board, the Editor-in-Chief shall inform the dean of the college or his or her delegate that the editor's membership
has been revoked.

ARTICLE XI. RESIGNATION OR INCAPACITATION OF THE EDITOR-IN-CHIEF

A. Upon notice of resignation of the Editor-in-Chief, or upon certification by all non-elected editors with the advice of the faculty advisors that the Editor-in-Chief has been incapacitated and is unable to execute his or her office, a meeting of the membership shall be called by the Executive Editor to elect a new Editor-in-Chief to succeed the resigning or incapacitated editor.

B. The election shall be for the uncompleted term of the editor who has resigned or has become incapacitated.

ARTICLE XII. RESIGNATION OF NON-ELECTED EDITOR OR PARTICIPANT: LEAVE OF ABSENCE OF A PARTICIPANT

A. A non-elected editor or member may resign from the HICLR organization. Academic credit that would have been given to such editor or participant may be withheld or allocated as determined by the Editor-in-Chief after discussion with the dean of the college or his or her delegate.

B. Any editorial position vacated by resignation may be filled in the manner prescribed in these by-laws for filling such position.

C. In the discretion of the Editor-in-Chief, a leave of absence may be granted to any participant who ceases to be a full-time student at Hastings College of the Law. The leave may be valid for no more than one calendar year.

ARTICLE XIII. AMENDMENTS

A. These By-Laws may be amended by a meeting of the entire HICLR membership which may be called at the discretion of the Editor-in-Chief, or upon request to the Editor-in-Chief by three members of the Editorial Board or upon request to the Editor-in-Chief by six members.

B. Adequate notice of a meeting to amend these By-Laws must be given by the Editor-in-Chief to the HICLR membership. The notice must state the nature of the proposed amendment.

C. A quorum of 50 percent plus one of the HICLR membership shall be required to consider and adopt an amendment.

D. Amendments shall be adopted by two-thirds majority vote of those present at the meeting.

2. ARTICLE XIV. MISCELLANEOUS

A. General Quorum Requirement. Unless otherwise specified herein, a quorum shall
consist of 50 percent plus one of the applicable membership body (i.e. the Editorial Board or the entire HICLR membership).

B. Voting Majority Unless otherwise specified herein, the outcome of any vote taken by the HICLR membership shall be determined by a simple majority of the votes (i.e., 50 percent plus one).

Signed: [Signature]

Adam Cole, Editor-In-Chief

Date: 9/5/06