



BLACKBOOK

UNIVERSITY OF MIAMI LAW REVIEW

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CHAPTER I: INTRODUCTION

§ 1. Overview of the *Law Review*.

The *University of Miami Law Review* (the “*Law Review*”) is a professional journal that is committed to publishing articles on legal issues that are of interest to academics and practitioners. The editors’ task is to ensure that every article is accurate and reliable.

The *Law Review* currently publishes four issues each calendar year, containing lead articles, student-written articles, surveys of developments in the law, symposia, brief notes of recently decided cases, essays, and book reviews. All *Law Review* editors, which includes all officers of the Executive Board, Staff Editors, and Junior Staff Editors, edit these works. Lead articles and book reviews, written by law school professors, practicing attorneys, or other professionals, pass through the same extensive editorial review that a student work selected for publication by the Executive Board undergoes. Even the most thorough and well-written articles contain substantive and technical errors. Each *Law Review* editor shares the all-important tasks of criticizing, reconstructing, and polishing each piece, ensuring that it is ready for publication.

§ 2. Organization of the *Law Review*.

The Executive Board governs the *Law Review*. This body includes the Editor-in-Chief, three Executive Editors, one Senior Articles Editor, two Senior Notes & Comments Editors, one Senior Writing Editor, one Eleventh Circuit Editor, one Digital Editor, one or two Symposium Editor(s), one Managing Editor, and six Articles & Comments Editors. The position of Communications & Outreach Editor is discretionary. These officers perform special editorial functions, review all the articles submitted for publication, confer regarding major decisions, and provide overall guidance to the *Law Review*. Junior Staff Editors and Staff Editors comprise the Editorial Board and are listed on the *Law Review*’s masthead.

Directly responsible for all *Law Review* affairs, the Editor-in-Chief is both the chief executive, who manages the *Law Review*’s operations, and the chief editor, who approves every article before it goes to press. The Executive Editors, Senior Articles Editor, Senior Notes & Comments Editors, and the Managing Editor assist the Editor-in-Chief in managing the *Law Review*’s work. The Editor-in-Chief and the Senior Articles Editor decide which articles are extended offer for publication in the *Law Review*. The Executive Editors are primarily responsible for technical editing and for guiding each article through the editorial process. The Eleventh Circuit Editor is responsible for guiding each of the articles for the Eleventh Circuit issue through the editing process and for the technical editing of these articles. The Executive Editors, along with the Eleventh Circuit Editor, supervise the article-editing process by overseeing and working with the Articles & Comments Editors. This process includes the first executive edit of all articles that the Articles & Comments Editors submit. The Articles & Comments Editors edit every piece accepted for publication and delegated to their editorial group by working closely with Junior Staff Editors assigned to their editorial group. The Articles & Comments Editors coordinate assignments for Junior Staff Editors and each Articles & Comments Editor is responsible for his or her editorial group’s assignments. The Senior Writing Editor organizes the Student Writing Competition. The Symposium Editor(s) organize any *Review*-sponsored symposia. The Digital Editor supervises all

aspects of the *Law Review* website, including the publication of blog posts and the *University of Miami Law Review Caveat*, the *Law Review*'s online-only component; the management of the *Law Review*'s cloud-based document storage system; and the administration of the *Law Review*'s digital identity. The Managing Editor oversees the operational matters of the *Law Review*, including ensuring an organized and positive office space, organizing events, and facilitating alumni relations.

There are other *Law Review* leadership positions. The Editor-in-Chief forms committees that provide Staff Editors and Junior Staff Editors more opportunities to participate in directing *Law Review* activities. Staff Editors are required to join a committee.

One full-time Law School staff member serves as the Director of Programs for the *Law Review*. The current *Law Review*'s Director of Programs is Farah Barquero. The current *Law Review*'s faculty advisor is Caroline Mala Corbin.

§ 3. The *Law Review* Offices.

The *Law Review* office is in room B-346 on the Law Library's third floor. Exit the main elevator and turn right, then turn left at the first row of books. B-346 is the second door on the left.

There are two rooms in the *Law Review*'s office. The first room contains the *Law Review*'s primary workspace. Additionally, this room contains all the *Law Review*'s editing supplies: shelves that hold office supplies; printchair boxes containing hardcopy sources; and a set of drawers that hold pens, pencils, paper clips, and scissors. Office bulletin boards display announcements and correspondence of general interest and humor. Staff Editor and Junior Staff Editor mailboxes are also located in this room.

The second room houses the Executive Board officers' mailboxes, a water cooler, coffee machines, and a small food-preparation and storage area.

§ 4. Services Provided by the *Law Review*.

All Staff Editors and Junior Staff Editors may use the telephone in the *Law Review* office for local calls.

- Dial 9 to get an outside line.
- Dial (305) 284-2465 to reach the *Law Review* from outside.

Law Review officers, Staff Editors, and Junior Staff Editors may use the printer and copier for *Law Review* business.

§ 5. An Overview of the Publication Process.

a. Student Writing for Publication

Each year, the outgoing Executive Board selects notes written by Junior Staff Editors as part of the *Law Review* writing requirement for publication in the *Law Review*'s next volume. The writing requirement offers Junior Staff Editors the best opportunity to learn about an area of the law that interests them, develop legal research techniques, and effectively self-edit. Blackbook Chapter II, discusses the *Law Review* writing requirement in more detail.

b. Outside Authors

Law professors, practicing attorneys, and other legal scholars submit manuscripts to the *Law Review* for publication. When the *Law Review* receives a manuscript, the Senior Articles Editor performs an initial review and, at his or her discretion, may task a committee comprised of at most three Staff Editors to review the manuscript in detail. A small number of manuscripts are accepted at this stage. Often the Senior Articles Editor confers with a faculty member who specializes in that area of law for additional perspective. Once the Senior Articles Editor considers an article worthy of publication, the Senior Articles Editor submits the manuscript to the Editor-in-Chief for his or her review. Once reviewed, the Editor-in-Chief and the Senior Articles Editor decide whether to extend a publication offer.

The Senior Articles Editor (or, if unavailable, the Editor-in-Chief) notifies the author when his or her article is accepted. Although authors may immediately accept the publication offer, sometimes they are considering offers from other law reviews. If an author accepts the publication offer, the *Law Review* and the author execute a contract, which usually grants the *Law Review* copyright over the manuscript. The author submits a final draft, and the manuscript enters the editorial process.

c. Special Issues and Topics

The *Law Review* retains discretion to publish special articles or entire issues relevant to the practice of law. These articles may include anything of general interest to law students, academics, or practicing attorneys. A small section titled "Special Issues and Topics" is available in some *Law Review* issues for this purpose. This section is designed to provide interesting and creative law-related material.

The *Law Review* encourages Junior Staff Editors and Staff Editors to generate ideas and suggest topics for student-written "Special Issues and Topics" articles. Once the Editor-in-Chief and the Senior Articles Editor—or the Eleventh Circuit Editor, if the topic is for the Eleventh Circuit Issue—approve the topic proposal, the Executive Board will invite all *Law Review* members to write for an upcoming issue. By affording such flexibility, these articles can come to life late in the editorial process. This allows the *Law Review* to generate informative and timely articles without the usual constraints imposed by our strict publication schedule.

§ 6. General *Law Review* Policies.

a. Requirements and Good Standing

Junior Staff Editors and Staff Editors are responsible for completing the following assignments:

Junior Staff Editors. All Junior Staff Editors must complete the following requirements to remain members in good standing:

- At least three (3) editing cycles. The Editor-in-Chief, Executive Editors, and Articles & Comments Editors retain discretion to assign additional subchecks and administrative hours to each Junior Staff Editor. The Editor-in-Chief and Executive Editors also have discretion to increase or reduce the required number of editing cycles, should exceptional circumstances arise;
- Complete one (1) page proof (edits and/or read aloud), as assigned by the Editor-in-Chief;
- Two (2) administrative hours;
- One (1) blog post (*see* Chapter II, § 8);
- Attend Elections;
- Attend all meetings deemed “mandatory” by an Executive Board member;
- Assist in the final preparation of the Symposium; and
- Attend the Symposium in its entirety.

Staff Editors. The Editor-in-Chief may assign Staff Editors to complete editorial assignments on an as-needed basis. In addition, Staff Editors must fulfill the following requirements to remain members in good standing:

- Serve on one (1) committee, on a voluntary basis or as assigned by the Editor-in-Chief;
- Edit one (1) Junior Staff Editor blog post (*see* Chapter II, § 9);
- Complete one (1) page proof, if assigned by the Editor-in-Chief;
- Attend Elections;
- Attend all meetings deemed “mandatory” by an Executive Board member;
- Grade case notes for the Student Writing Competition and student notes and comments;
- Assist in the final preparation of the Symposium;
- Attend the Symposium in its entirety; and
- Hold office hours during each editing cycle in the *Law Review* office for a period of two (2) hours, or as otherwise assigned by the Editor-in-Chief, to provide his or her resources to Junior Staff Editors.

Staff Editors and Junior Staff Editors should check their emails every day for work assignments. Failure to do so can considerably delay the publication. Additionally, failure to meet any of the aforementioned requirements in a timely manner may result in a strike, at the sole discretion of the Editor-in-Chief, and thus subject an editor to possible suspension or removal from the *Law Review*, pursuant to Chapter IV, Article IV, § 11.

b. Suspension/Removal from the *Law Review*

Any Junior Staff Editor, Staff Editor, or Executive Board member who is not in good standing may not indicate affiliation with the *Law Review* on their résumé and digital platforms; in conversations with alumni, professors, and practitioners; and for the purposes of seeking employment, whether paid or unpaid. Good standing will be revoked if a *Law Review* member receives 3 (three) strikes for failure to satisfy the requirements listed in Chapter I, § 6, as detailed in Chapter IV, Article IV, § 11, or receives more than two (2) unsatisfactory performance evaluations as detailed in Chapter IV, Article IV, §§ 9–10. Only members in good standing are affiliated with the *Law Review*. Others shall not claim that honor.

Failure to remain in good standing is grounds for expulsion from the *Law Review*. See Chapter IV, Article IV, §§ 9–11.

c. Criticism

Constructive criticism is the core tradition of any first-rate law review. It is essential for Staff Editors and Junior Staff Editors to both provide and receive constructive criticism or suggestions. This will improve the quality of the *Law Review*. A scholarly journal can attain high quality only through self-criticism.

d. Feedback

Feedback is essential for Junior Staff Editors to correct recurring mistakes, identify concerns early on, and gain confidence. Accordingly, Articles & Comments Editors must provide feedback to each Junior Staff Editor after each subcheck through individual meetings. The Executive Editors provide general feedback to Junior Staff Editors after each issue.

e. Typing

All *Law Review* work should be completed using the digital forms and processes the Executive Board establishes prior to each editing cycle. All *Law Review* work should be stored on the cloud-based storage system designated by the review's Digital Editor.

f. Deadlines

Although quality remains paramount in *Law Review* work, publication timeliness is equally important. The law is constantly changing, quickly rendering articles outdated. A law review must be recent to be relevant; to publish a law review worth reading, deadlines must be met.

The Executive Board strives to provide Staff Editors and Junior Staff Editors with reasonable time to complete their assignments. Work must be submitted on time. Because the schedule becomes tighter in the later stages of the production process, no extensions are given without clear justification and explicit permission. Junior Staff Editors must contact Articles & Comments Editors immediately if they will not be able to complete work on time. Do not wait until the day before the due date. Failure to comply with these deadlines without seeking a reasonable extension may result in a strike or unsatisfactory performance evaluation as outlined in Chapter IV, Article IV, §§ 9–11.

g. Awards

At the annual *Law Review* Banquet each spring, the *Law Review* awards Certificates of *Law Review* Honors to Staff Editors and Junior Staff Editors.

Five awards are given each year:

1. The **Soia Mentschikoff Award for Excellence in Scholarly Writing** is awarded to the Junior Staff Editor who writes the best student article or casenote; the Senior Notes & Comments Editors nominate a recipient to be approved by the Editor-in-Chief.
2. The **Best Casenote Award** is given to the Junior Staff Editor who produces the best casenote from the Student Writing Competition; the Senior Writing Editor nominates a recipient to be approved by the Editor-in-Chief.
3. The **Daniel B. Gaubatz Memorial Award** is awarded to the member who shows humor, concern for others, and dedication to the *Law Review*. Recipients for this award are selected based on nominations by members of the *Law Review*.
4. The **Jack Ankus '58 Memorial Service Award** is given to the member who best exemplifies a commitment to public service. Recipients for this award are selected based on nominations by members of the *Law Review*.
5. The **Daniel E. Murray Distinguished Service Award** is presented annually to an individual for distinguished achievement in the field of law and continued dedication to the *Law Review*. Recipients for this award are selected based on nominations by members of the *Law Review*.

§ 7. Amendments to the Blackbook.

The Executive Board is responsible for drafting amendments to the Blackbook, as needed, by the suggestion of the Bylaws Committee, or by the request of a majority of the Editorial Board. For this purpose, the Editor-in-Chief may convene a Blackbook Taskforce to make agreed upon or requested edits to the Blackbook, subject to the amendment process described herein.

The Blackbook is subject to amendment by a two-thirds vote of those members present at a meeting called entirely or in-part to amend the Blackbook provided that the intended amendment has been presented to all members via email at least one week before the meeting in which the vote on the proposed amendment would take place. The amendment must be posted in the *Law Review* office for at least one week before the vote unless circumstances prohibit the posting. For the purpose of this section absentee ballots shall be permitted only if:

- (1) notice of the meeting is posted for at least one week before the meeting;
- (2) the member has a reasonable excuse for missing the meeting, as determined by the Editor-in-Chief or Managing Editor, before the commencement of the meeting; and
- (3) the absentee ballot is in writing and specifies how the member wishes to vote on each matter to be raised which the member wishes to vote upon.

Nothing in this provision bars the *Law Review* from passing amendments to the Blackbook during the summer between volumes.

CHAPTER II: STUDENT WRITING FOR PUBLICATION

The writing requirement is one of the most enriching aspects of *Law Review* membership. All Junior Staff Editors must complete the writing requirement by the end of the academic year following an invitation to become a Junior Staff Editor on the *Law Review*. The process of researching, writing, and rewriting an article is a unique educational experience. Junior Staff Editors will work closely with the Senior Notes & Comments Editors and Law School faculty. The writing requirement is demanding but rewarding. The excellence, and thus the reputation, of the *Law Review* grows with the quality of its student writing.

§ 1. Topic Selection.

The first step in student writing is to select a topic. It is primarily the Senior Notes & Comments Editors' and the Junior Staff Editors' responsibility to generate topics. Nevertheless, the *Law Review* welcomes suggestions from Staff Editors who are interested in particular cases or topics and the *Law Review* maintains a pool of current topics and cases for producing articles and case notes or comment. Staff Editors should keep the Senior Notes & Comments Editors apprised of any timely and pertinent topics that should be added to the topic pool. This topic pool gives the Senior Notes & Comments Editors a perspective from which to recommend topics that will be timely and of value to our readers.

Topic selection is particularly important in law review writing because of the considerable amount of work that goes into every piece we publish and because the selection of a topic for publication often has considerable meaning. For example, the well-timed publication of an article on a subject slated for argument in an appellate court could impact the course of the law. Junior Staff Editors are encouraged to consult with the faculty about recent trends and developments in their fields of study. Additionally, Junior Staff Editors should read newspapers, watch the news, and utilize resources available through the law library to conduct an energetic topic search. Picking a topic early will serve Junior Staff Editors well in the long-term.

a. Student Case Comment Topic Suggestions

Student comments serve two primary purposes. First, the comment provides a scholarly summary of a recent and significant decision. Second, the comment refers legal researchers to primary and important secondary authorities that amplify points raised by a decisional analysis, which can and should include sources the student author finds outside of the case itself. In sum, a case comment is not simply a case brief. Rather, it combines scholarly insight and elucidation of underlying legal thought and theory.

Desirable Cases. Look for the following characteristics in cases to determine whether the case is desirable for a case comment.

- Cases that indicate a change in existing law. This is the single most important factor—other factors below are mostly variations of this one. Although we do not publish casenotes that simply present well-settled law, if there is reason to believe other jurisdictions have

reached a contrary result—or if the subject looks like a promising casenote topic—abstract the case and indicate the jurisdictional conflict.

- Cases of first impression.
- Cases that impact the practicing attorney.
- Cases that interpret a significant provision of a common statute—such as the Uniform Commercial Code—or a statute that is significant for other reasons, especially if the cases reach a surprising result.
- Cases that first apply a statute or indicate a legislative trend.
- Cases that appear incorrect in their reasoning or in their principle. However, do not overemphasize this factor.
- Cases that tie together a number of legal principles, the interrelation of which is not often revealed.
- Cases that involve rarely litigated and recently undiscussed corners of the law. Certain fields, though very significant, produce relatively few cases. Although many contract and tort issues remain unresolved, this type of case more likely will be found in such fields as corporate law, commercial law, federal constitutional questions decided in the state courts, and so forth. Such cases are not necessarily candidates for casenotes, but they should be read with considerable care and reported if they seem to be promising casenote topics.
- Cases that apply an old rule to a new situation, extending that rule to new facts.

Factors that Indicate Notable Cases. The following factors may help to determine whether a case is desirable for casenote selection.

- A closely divided court.
- A fairly persuasive dissenting opinion.
- Unpersuasive efforts to distinguish earlier decisions.
- Acknowledgment by the court that the point is new or difficult.

Junior Staff Editors should carefully describe these factors in the case abstract. In the initial assignment, err on the side of overinclusion.

In addition to advance sheets and opinions, there are several other sources of casenote topics. For example, topics may come from class discussions, informal discussions with faculty members, research done for the *Law Review* and for other purposes, as well as newspapers and

periodicals. Junior Staff Editors and Staff Editors should report topics they find to the Senior Notes & Comments Editors.

b. Student Note Topic Suggestions

Articles present thoroughly researched, scholarly commentary that usually centers on a topic rather than on a given case. Articles are the most significant and important pieces published in the *Law Review*. As each year brings forth a new outpouring of periodical legal literature, it becomes increasingly difficult to locate topics that are original and worthwhile. Every Junior Staff Editor and Staff Editor should therefore seek potential article topics by listening carefully in classes, reading periodicals, and doing library research. Specifically, when reading cases Junior Staff Editors should consider not only whether a case would be suitable for a case comment, but also whether the case exemplifies a problem, factual situation, or area of law that may warrant article treatment. Also, Junior Staff Editors should consider the previous year's coursework for any topics that presented legal questions of a particularly confused or of a particularly undeveloped nature. If a Junior Staff Editor encounters a good idea, make note of it with the appropriate citation and share it with the Senior Notes & Comments Editors.

Faculty, practicing lawyers, and interested readers sometimes suggest article topics. But heavy reliance is placed on the Junior Staff Editors' and Staff Editors' judgment and inventiveness. The range of potential, timely comment topics is broad. Good articles may be written when an established area or concept in the law is in a state of confusion, or when recent decisions alter or clarify a concept. Articles may also suggest changes in an unsatisfactory area of the law or predict the impact of new legislation or a new rule of law. Staff Editors should not feel confined to topics that seem strictly "legal" and case oriented. Topics that explore legal history, jurisprudence, the administration of law, or the need for legislation often yield some of the most interesting articles. To suggest an original topic that provides the basis for a successful article is one of the most substantial contributions that a Junior Staff Editor or Staff Editor can make to the *Law Review*.

§ 2. Preemption Check.

Once the Junior Staff Editor chooses a topic, he or she must conduct a preemption check. Preemption checks ensure that another author has not already published an article or note on the same topic. The research librarians are an invaluable resource when completing a preemption check.

The major tools used in a preemption check are the *Index to Legal Periodicals* and the Westlaw and Lexis databases. There shall be a mandatory preemption check training each Fall in which Junior Staff Editors without a qualifying excuse will be instructed by law librarians and Senior Notes & Comments Editors about appropriate preemption check procedures. Generally, Junior Staff Editors must check every relevant heading within each index; be alert for an occasional change of heading between volumes; and not stop reading the entries under one heading because they go on for a few pages. Junior Staff Editors need not search for articles more than 15 years old unless they are aware of specific articles that could preempt their note. Then, Junior Staff Editors should run a similar check in the *University of Miami Law Review* indices. Junior Staff Editors must report relevant sources to the Senior Notes & Comments Editors by the date they assign. A

source is relevant when it informs a Junior Staff Editor’s note, regardless of whether the source is preemptive.

§ 3. The Writing Process.

a. Generally

In large measure, the *Law Review* provides a forum for student writing. Junior Staff Editors and Staff Editors should write their notes with an eye toward publication. The *Law Review*’s reputation depends on the quality and accuracy of its student writing.

b. Ensuring the Quality of Work

Outline. A good outline helps to produce a good student note or comment. Repetition invariably occurs without an outline. Junior Staff Editors should discuss their outlines with their respective faculty advisor and Senior Notes & Comments Editor. This is an ideal stage to identify the weaknesses and strengths of your approach.

Organization. Simple, straightforward organization is preferable to complex, esoteric organization. Each sentence should follow in logical order. Every step necessary to reach a conclusion should be included. Omissions may indicate more than just carelessness—the argument may be unsound. Accordingly, implicit assumptions in reasoning should be stated clearly.

Transitions. Each part of a note should flow into the next. Overall organization may be faulty if it is difficult to draft a transition. Convey to your reader the structure and approach of your note. Words that indicate organization are extremely important. For example, to sequence ideas, use “First, . . . Second, . . . Third, . . .” Variations are inevitable and acceptable. These transitions create continuity throughout a piece.

Style & Usage. The most important writing technique is clarity. For *Law Review* purposes, consult references in this order: (1) the “*Law Review Style Guide*”, *infra*; (2) *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass’n et al. eds., 21st ed. 2020); (3) Bryan A. Garner, *The Redbook: A Manual on Legal Style* (4th ed. 2018); (4) *New Oxford American Dictionary* (3rd ed. 2010); (5) Bryan A. Garner, *Garner’s Dictionary of Legal Usage* (3rd ed. 2011); and (6) Bryan A. Garner, *Garner’s Modern English Usage* (4th ed. 2016).

Bias. Consider and develop both sides of an issue by anticipating worthwhile counter arguments. This will strengthen an analysis. Junior Staff Editors should be careful, however, not to set up straw arguments to bolster your position. In addition, unsupported, value-laden terms, such as “clearly” and “obviously” should be avoided.

Precision. Be careful not to overstate or overgeneralize legal propositions as derived from a case or group of cases. Be particularly concerned with the relevant facts. Remember, members of the legal profession will rely on your statements. They may use your statements to lead them to cases or authority for a proposition. The *Law Review*’s reputation will suffer, and a reader may be aggravated if an author misstates or misuses a source.

Brevity. Achieve brevity without sacrificing clarity by omitting needless words. Student authors should not disregard Strunk & White’s sound advice:

Vigorous writing is concise. A sentence should contain no unnecessary words, a paragraph no unnecessary sentences, for the same reason that a drawing should have no unnecessary lines and a machine no unnecessary parts. This requires not that the writer make all sentences short, or avoid all detail and treat subjects only in outline, but that every word tell.

William Strunk Jr. & E.B. White, *The Elements of Style* 23 (4th ed. 1999).

Original Work Product. All *Law Review* editors are required to conform with the University’s Honor Code. Plagiarism and use of AI tools are strictly prohibited. Failure to adhere to the Honor Code will be grounds for removal from the *Law Review* and the Editor-in-Chief will be required to report the incident to the University’s Honor Council.

Clarity. Have someone unfamiliar with the topic read the article. Does he or she understand it? Good legal writing makes the reader feel intelligent, not stupid.

The Last Step. Outline your completed paper paragraph by paragraph to ensure that each one contains a single basic point. This final outline will help you discover redundancies, organizational problems, and gaps or faults in your logic.

c. Deadlines

Deadlines on writing assignments—as on all *Law Review* work—must be met. There is some room for flexibility, but it is presumed that the time allotted is adequate to complete any task. If you find yourself “spinning your wheels,” speak to your Senior Notes & Comments Editor. Feel free to discuss problems with your Senior Notes & Comments Editor as they arise, even before your first draft is completed.

Junior Staff Editors should write every draft to publication quality—do not embarrass yourself and do not embarrass the *Law Review*. This includes proper Bluebook form, footnoting, and thoughtful organization and language choices. Errors may survive edits. If errors are eliminated before the editing process begins, then the later production stages progress more quickly and easily. Correcting mistakes during later stages becomes increasingly difficult and costly. Therefore, there is no excuse for leaving problems to “a later time” merely because a piece must go through further editing or technical procedures. Failure to meet a student case comment or note deadline will render a Junior Staff Editor ineligible to receive an offer of publication for the *Law Review*.

§ 4. Casenotes.

a. Purpose

Casenotes serve two purposes. First, the casenote is a scholarly report of a recent and significant decision. As such, it should:

- Inform the reader of the case's facts, procedural history, and holding.
- Put the case in perspective (*e.g.*, show why it is significant).
- Analyze the court's decision.
- Give scholarly comment on the decision.

Second, a casenote is an important legal research tool. To this end, the note should analyze and clarify the decision's importance in the applicable area(s) of law. The footnotes should

- Refer the reader to primary and important secondary authorities that amplify points raised by the analysis but that are beyond the piece's principal scope.
- Briefly and concisely discuss points raised by the analysis but that are collateral to its primary significance.
- Refer the reader to other applicable sources when a full-length discussion would be impossible, collateral, or distracting.
- Provide legal authority (preferably primary) for statements and conclusions in the text.

b. Research

Upon deciding to write a casenote, first check Westlaw, LexisNexis, and Bloomberg BNA for the briefs on both sides of the case (Bloomberg BNA will most likely have the briefs for all federal cases). If the briefs are unavailable online, write to the court or to the participating lawyers and request the briefs. Junior Staff Editors may not receive the briefs until they have completed their first draft, but it is important to examine the briefs no matter when they arrive because they may shed light on neglected arguments and key facts. Moreover, the lawyers may provide additional insight, such as a pending appeal, that Junior Staff Editors may otherwise overlook.

Read all of the authorities cited within the decision, including the majority opinion and any dissents and concurrences. By this point, Junior Staff Editors should acquire a solid understanding of the applicable law. If Junior Staff Editors find a case on point, they should read the cases cited in that case for additional insight. Additionally, Junior Staff Editors may uncover more source material by Keyciting or Shepardizing each of the sources they read.

Maintain careful notes summarizing each source, perhaps even pulling quotations. Immediately recording full cites and significant quotations will save valuable time later. Junior Staff Editors' notes should be preserved in a document where they may be easily referred to during editing. When Junior Staff Editors come to the final write-up, however, they should not cite a case on the strength of the notes they have made—they should read the case again. Additional readings

of the cases relied upon often result in the discovery of facts and arguments not noticed at an earlier stage of research.

Carefully examine the position of the decisionmaker(s) in the case. Was there an unusual alliance? Is the choice of judge to write the opinion of the court significant? Look for any legal or political implications that result from a particular person or group making the decision.

Do not forget that empirical data relating to the general area from which the controversy of the case arose may be particularly useful in helping to explain the significance of the decision.

c. Format

Introduction and Roadmap Section. Although some cases may require an entirely different treatment, the following suggested format offers a well-tested way to write a comment. Aside from the introduction and roadmap section, however, Junior Staff Editors should not be afraid to bend and shape the format to meet their own purposes. Previously published notes and comments can provide helpful organizational templates.

Begin the comment with an engaging introduction—a sentence, quote, or hypothetical that will “grab” the reader’s interest. The introduction should include a broad sketch of the case, identify basic issues and themes, and explain why the case is significant.

Immediately following the introduction, a casenote should include background information about the topic case(s). This information must be “tight”—concise, clear, and as brief as possible—while addressing all material elements. It should include the general theme that will be the focus of the comments. This part must also contain the topic case’s

- Operative facts (parties and factual background material to the decision);
- Procedural history; and
- Holding.

The section must make clear what the court held. For example:

“The [appellate court] [affirmed or reversed] the [lower court], holding [state the holding].”

Examples:

“The Supreme Court of Florida, on conflict *certiorari* review, reversed and remanded the Third District Court of Appeal, holding uninsured motorist coverage is intended”

“On *certiorari* review, the Supreme Court of the United States, reversed and remanded the Eleventh Circuit, holding violation of a Fourth Amendment right by a federal officer”

A brief roadmap of the sections should conclude the introduction and roadmap section. This short section should explain the structure and identify the thrust of the author's argument.

Prior Law & Perspective Section(s). The section(s) following the roadmap should provide perspective and context. Such perspective may be "historical" (analyzing the development of the law leading to the step taken in the noted case), "current" (e.g., showing that the case is a product of present phenomena or places itself on one side of a present split of authority), "situational" (resulting from a particular situation, e.g., geographical or technical), or any combination of these.

This discussion should examine the state of the law on which the noted decision builds or from which it departs. The analysis should answer the question: What led to this new development? Corollary questions that should also be addressed include: What was the previous rule of law in this jurisdiction? What forces were eroding or extending that rule? For a decision by a court of appeals on which the Supreme Court granted *certiorari*, analysis at this point should clarify some of the reasons why the Supreme Court did so. The discussion should tell the reader why the case is significant.

Main Case Section. After putting the principal case in perspective, the note should state the main case. It should include relevant information about the parties, procedure, and facts. The writer should analyze the majority's primary legal reasoning and question the authorities that the majority cites for these points. Do they support the rationale? The holding? Dissenting and concurring opinions may prove useful here.

Clarify the decision: What does the case stand for?

- If the case presents a "test" or rule, state it and explain its implications.
- Explain whether the court's phrasing or the facts limit the holding.

Analysis & Argument Section(s). The analysis and argument section(s) is(are) the most important part of the comment. Some questions the writer may ask himself or herself at this point are:

- Does the decision solve applicable problems, or does it leave questions unanswered? Why?
- Does the decision raise problems or raise new questions? Why?
- What difficulties may attorneys or courts and scholars face in applying the decision?
- If the case is before the Supreme Court on *certiorari* review, how will the Court probably respond to the appellate court's decision? Why?
- How should the court resolve the issue raised? Why?

The section should draw a synthesis from prior law and explain how the writer's position reverses, extends, or deviates from the prior law. It may be helpful to incorporate the opinions

from the lower court. The argument should also address the implications and potential criticisms of the argument.

Conclusion. This section should summarize the writer’s arguments and explain the “big picture.” It should not include any new material or arguments.

d. Citations

No maximum or minimum number of citations is prescribed. The first draft should contain too much, rather than too little, authority. The final drafts on recent cases should not, however, contain any non-essential citations.

The writer should cite other courts’ recent decisions that address doubtful points in his or her argument. If the weight of authority is against a writer’s proposition, the writer must avoid citing a case without giving the contrary authority. Even if the weight of authority supports a writer’s proposition, it is advisable to cite reputable contrary authority when applicable. Treatises may, if necessary, be cited for general statements, but the authorities the treatise cites should be checked. Use of the phrase “weight of authority” in the argument should be avoided—it often substitutes for closer analysis. Never cite *American Jurisprudence*, *Corpus Juris Secundum*, digests, or the like as authority for a proposition.

In addition to providing a method by which to find the latest decisions on a point, Keyciting and Shepardizing citations provides an assurance that a given case or statute is still good law. Writers must Keycite or Shepardize every decision and statute cited before turning in his or her manuscript. Writers must ensure that no cited source has been reversed, overruled, or so distinguished as to destroy it as authority. Junior Staff Editors should also check recent cases in the table of cases in *United States Law Week*, which often reports subsequent developments in a case before Keycite and Shepard’s. This is particularly important if the case is appealable to the Supreme Court, since *Law Week* will generally report *certiorari* petitions and *certiorari* denials much sooner than Keycite and Shepard’s. Any subsequent case history—such as *cert. denied*, *aff’d per curiam*, etc.—must be included as a part of the citation.

The following table provides the time periods that must be followed to ensure a case is not appealed to the United States Supreme Court:

Appeals:

(1) When a federal statute is held unconstitutional	30 days
(2) Civil cases from the United States District Courts (other than one (1))	30 days
(a) from interlocutory order	30 days
(b) from final judgment	60 days
(3) Federal criminal cases from the United States District Courts	30 days
(4) Most other appeals	90 days

Certiorari:

(1) All cases from state courts	90 days
(2) Most civil cases from federal courts	90 days

Use *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2020), for proper citation form. If there is anything unusual about a case or authority, Junior Staff Editors should consult their Articles & Comments Editor or Senior Notes & Comments Editor. Junior Staff Editors must scrupulously Bluebook their work; all cites must be checked so as to ensure that they stand exactly for the proposition indicated in the text.

After a case has been published, the writer should continue to Keycite or Shepardize the decision and his or her primary sources—Westlaw, LexisNexis, and Bloomberg BNA e-mail alerts are useful for this purpose. The writer must report any new developments to his or her Articles & Comments Editor and Senior Notes & Comments Editor.

§ 5. Notes & Comments.

A note or comment's heart is detailed analysis. A note or comment should thoroughly examine a single legal problem's impact and dynamics. It should point out unresolved issues, indicate legal trends that might lead to different results in the future, and discuss the merits and policy considerations of alternative solutions. A comprehensive explanation of existing case law and historical background is imperative. The author's finished work should serve as a fundamental research source for persons working on similar problems.

The topic must be an issue of enough significance and complexity to warrant the exhaustive discussion that an article entails. Often, these issues are found in controversial or unstable areas of the law. Questions that have drawn conflicting responses from several courts, potential legal issues that courts have not yet addressed, and proposed legislation also provide excellent topics. But authors should avoid overbreadth; a topic must be manageable.

A note or comment's format can serve this end well. Although the precise format will vary from topic to topic, it must be structured. For example, some notes and comments cover a very broad area of the law by first generally describing the entire area and then narrowly discussing a limited number of questions in separate subdivisions. Other topics are narrower and break the problem into separate issues and sub-issues. Survey topics cover several related issues in the same area of the law.

§ 6. Mechanics.

The following guidelines apply to student notes and comments:

1. The note or comment must be thirty-five (35) to seventy (70) pages in length.
2. Submit three (3) copies of the final draft in the *Law Review* office by the deadline created by the Senior Notes & Comments Editors. E-mail a final copy of the casenote to the Director of Programs.
3. Title the piece.

4. Use 12-point font.
5. Use Times New Roman typeface.
6. Text must be double-spaced.
7. Block quotes must be single-spaced and properly indented.
8. Use footnotes, not endnotes. Use 12-point font for footnotes. Place one space between each footnote.
9. All footnotes must be in Bluebook form.
10. Observe law review margins: 1.25” on the left and right; 1” on the top and bottom.
11. Alignment: The piece must be fully justified.

§ 7. Ensuring Professionalism Online.

a. Blogs

The Digital Editor is primarily responsible for scheduling and editing blog entries and updating the *Law Review*'s website. Any blog entries submitted pursuant to this Section, however, must be briefly reviewed and edited by at least one *Law Review* Staff Editor prior to publication online.

b. Other Updates

The Digital Editor, who independently updates any information on the *Law Review* website, shall seek the editorial advice and consent of the Editor-in-Chief. This provision applies to any major update to the website, including, but not limited to, information on the symposium, submissions, membership, and the *Law Review* in general.

In the event that the Editor-in-Chief updates the website, he or she shall seek the editorial advice and consent of the Digital Editor prior to publishing any such updates.

§ 8. Blogging Requirement for Junior Staff Editors.

Each *Law Review* Junior Staff Editor shall, as a condition of his or her membership, submit one blog entry for the *Law Review*'s website. Blog entries may consist of legal analysis, news about the *Law Review*, news about notable *Law Review* alumni, or any other topic approved by the Digital Editor.

The actual length, topic, and legal content of blog entries are left to the discretion of the Junior Staff Editor and the Digital Editor. Blog entries shall be scheduled and submitted on a timeline at the Digital Editor's discretion.

The submitted blog entry shall be a positive reflection of the *Law Review's* commitment to student scholarship, academic excellence, and good writing. All submitted blog entries shall be reviewed according to the next section.

§ 9. Blogging Requirement for Staff Editors & Executive Board.

Each *Law Review* Staff Editor and Executive Board member shall, as a condition of maintaining his or her membership in good standing and pursuant to the previous section, edit at least one blog entry submitted by a Junior Staff Editor. The Digital Editor, with the advice and consent of the Editor-in-Chief, shall be responsible for assigning and facilitating such editing.

Staff Editors and Executive Board members shall edit for content, grammar, style, accuracy, and any other appropriate matter. Staff Editors and Executive Boardmembers shall correct grammatical and factual errors in Track Changes, suggest rewriting for style (if appropriate) in Track Changes comments, and submit the edited blog post to the Digital Editor. The Digital Editor will make additional edits and resubmit to the Junior Staff Editor-author for final approval and for any necessary substantive changes. The Editor-in-Chief reserves the right to review any post for approval before direct publication online.

The published blog entry shall be a positive reflection of the *Law Review's* commitment to student scholarship, academic excellence, and quality writing.

CHAPTER III: THE EDITORIAL PROCESS

In addition to the author preparing his or her piece for publication, all material passes through the *Law Review*'s editorial process—the Editor-in-Chief and Executive Editors, Articles & Comments Editors, Junior Staff Editors or Staff Editors, Articles & Comments Editors again, then Executive Editors and the Editor-in-Chief. At the Editor-in-Chief's discretion, this process might be repeated several times. Repetition is the key to the editing process. Experience shows that this redundancy is anything but wasteful. No one catches every error every time, so work must be continually checked and rechecked. On the other hand, awareness that other Junior Staff Editors and Staff Editors will repeat a particular task is not a license to relax and rely on them to catch the errors that could potentially be missed.

The *Law Review* does not demand repetition for repetition's sake. The *Law Review* is a legal research tool. Scrupulous accuracy is essential to publishing a journal so authoritative that our readers may be certain of what every cited source says and where they can find it. The reliability of what we produce today will affect the authority of what we publish in later years. Always remember that each time a Junior Staff Editor or Staff Editor produces *Law Review* work product, the reputation of the *Law Review* is at stake.

§ 1. The First Executive Review.

At the beginning of an editing cycle, the Editor-in-Chief will share with the Executive Editors each piece selected for publication in the upcoming *Law Review* issue. At this time, any issues with the article will be identified and the Editor-in-Chief, with the Executive Editors, will decide how to address the issue. The Executive Editors divide the articles amongst themselves and then further divide between the Articles & Comments Editors.

After the first executive review, each Executive Editor will review their assigned articles and, using either the highlight or comment function in Microsoft Word, notate any portions of the article that will need further support during the editorial process.

§ 2. The First Articles & Comments Editor Review.

When the Executive Editors assign an article or casenote to an Articles & Comments Editor, the Articles & Comments Editor performs the first editing step. At a minimum, the Articles & Comments Editor reads through the piece several times, subdivides it into individual assignments, and raises specific questions on paper to be investigated and answered by the substance-technical check editor. The Articles & Comments Editor may prefer to do some basic stylistic and organizational editing before assigning the piece to the subcheck editor.

§ 3. The Printchair and the Substance-Technical Check (“Subcheck”).

The printchair is the foundation of all later editing steps; without digital templates for each cited source, the *Law Review*'s job would be difficult. Creating the printchair files involves finding each cited source, properly Bluebooking and labeling the source, and then electronically filing the source in the printchair files.

Subchecking begins once a piece's printchair is complete. This process involves clarifying, reviewing, and verifying each piece's citations and text. Subcheck editors are expected to check for both substantive and technical accuracy for all assignments.

a. The Printchair

Printchair editors must find and read the relevant part of all cited sources assigned by their Articles & Comments Editor. The printchair editor must find the most original version of any source cited for the first time in their assigned portion of the article. Every source should be saved electronically as a PDF, named according to the naming conventions created by the Executive Board, and saved in the appropriate folder on the *Law Review's* cloud-based storage system, as managed by the Digital Editor.

Most Original Copies of Sources. Printchair editors are encouraged to follow the research guidance provided by the law library during the *Law Review* orientation. United States Reporter (United States Supreme Court) cases should be downloaded from Hein Online. Public Laws, Statutes at Large, and law review articles should also be downloaded from Hein Online. Copies of a case reported in the Supreme Court Reporter or any other reporter can be downloaded via Westlaw's West Reporter Image. If a printchair editor cannot obtain an original PDF image of a specific case, law review article, Public Law, or Statute at Large, he or she should indicate as such and substitute a Lexis or Westlaw download of the authority. Lexis or Westlaw printings of statutes suffice.

For hardcopy sources such as books, printchairs editors should obtain a copy of the book from the law library or other University of Miami libraries and store the book in the appropriate printchair box in the *Law Review* office. Scan the title page, information page, and table of contents for all books. Then, the editor scans any chapter that includes pages cited by the article author. The editor must always ensure that the printchair contains enough information to accurately verify the source's content.

The *Law Review* does not need more than one download of each original source for printchair. Articles & Comments Editors are responsible for assigning printchair sources in a non-redundant fashion. Nonetheless, Articles & Comments Editors are human. Editors completing printchair and subcheck should make sure that the printchair file contains a copy of every original source in the article and no unnecessary copies of sources before the subcheck begins.

Unavailable Sources. If an editor cannot find a source on the first few tries, he or she should follow these steps: Check the University of Miami's library search portal; ask at the library circulation desk or email the library help account; if a book is checked out, ask the library who has it and ask the librarian if they can get it. If a source is simply missing or not available through the University of Miami's library system, request an Inter-Library Loan of the item using the *Law Review's* Inter-Library Loan form on the law library's website. If an Inter-Library Loan request is unsuccessful, notify the article's Articles & Comments Editor, who will notify the appropriate Executive Editor and Editor-in-Chief—they may decide to ask the article author for the source later in the editing cycle. Editors must report to their Articles & Comments Editor any sources that he or she is unable, after due diligence, to locate and verify.

Cover Sheets. Printchair editors use Microsoft Word to create printchair cover sheets for each assigned source (the Articles & Comments Editor will provide a blank Microsoft Word printchair template). They then type the source footnote number in the upper right-hand corner of the printchair cover sheet. The editors then type in all of the required information and be very specific (*e.g.*, “Rule 18.2.4”; not “Rule 18”) regarding which Bluebook rule was used to obtain the source’s proper standard cite (*e.g.*, a full cite without a pincite). This should include any modifications made to the article author’s citation and any other relevant comments regarding the citation at the bottom of the cover sheet. In the case of cover sheets, more is more—always provide all relevant information in the cover sheet because it will be used throughout the editing process.

Printchair editors include a snapshot of the Keycite or Shepard’s list for relevant sources (*e.g.*, cases and statutes) to look for later developments in the cited case and for subsequent law affecting its authority. If only a few cases are noted in the Keycite or Shepard’s list, the editor should look at them all. If the case is heavily cited, printchair editors may simply snapshot and attach the first Keycite or Shepard’s page showing that the source is still valid. Remember, however, to remain cognizant of the piece’s context. For example, the author may discuss a case he or she explicitly states has been overruled. In that case, make a note in the printchair comment box that the author is citing the source for that reason.

The depth to which printchair editors should read cases noted in Keycite and Shepard’s lists varies, but editors should always see what the later case says about the cited case and be sure that no change or addition to the cite is required. If a printchair editor discovers cases that may significantly affect the cited case, he or she must bring them to his or her Articles & Comments Editor’s attention. Change citations from unofficial reporters to official reporters when available (*e.g.*, S. Ct. or L.E. to U.S.).

Finally, the printchair editor uploads the completed printchair cover sheet to the appropriate printchair file assigned by the Articles & Comments Editor. Each source should be filed using the following standard format: “FN[#]_[FirstThreeWords]_COVER SHEET”.

- For example, FN87_TheFederalist75_COVER SHEET.
- If a footnote contains more than one source, distinguish them by adding a letter in the file name. For example, FN87A . . . and FN87B
- The footnote number is the original footnote in which the source appears.
- The First Three Words should *not* include signals but should include things like an author’s name, the abbreviated versus in the name of a case, and titles.

The next step in the editing process is the subcheck.

b. The Subcheck

After the printchair process is complete, Articles & Comments Editors will create a copy of the manuscript of the author’s article or casenote to use for subcheck. The Executive Editor will

review the manuscript and divide responsibility for subcheck among his or her assigned Articles & Comments Editors, who will then further divide among their Junior Staff Editors, ensuring that no Junior Staff Editor subchecks the same footnotes he or she printchaired. Once the Article & Comments Editor has decided how to divide the piece's editing responsibilities among their Junior Staff Editors, he or she will email a copy of the entire piece to each of their Junior Staff Editors. Article & Comments Editors must explain to their Junior Staff Editor(s) the sections of the copy for which individual Junior Staff Editors are responsible. Junior Staff Editors are responsible for editing their portion of the piece.

Track Changes. For this process, the *Law Review* uses Microsoft Word's Track Changes feature. Before editors subcheck their portion of a piece, they must turn on Track Changes. This feature records every edit a subcheck editor makes. For each edit (not including small grammatical edits or technical Bluebook edits), an editor must include a comment rather than making in-line changes. Because comments cannot be inserted into footnotes, when editors must make a comment regarding a footnote, they should insert the comment next to the footnote number as it appears in the piece's text.

First Steps of the Subcheck.

First, the editor must briefly read the entire piece and read his or her portion of the piece several times to gain a feel for the subject matter. Then, turn on Track Changes.

Second, subcheck editors must edit their assigned portion of the piece for grammar and overall readability. This, however, is a delicate process. Subcheck editors must avoid changing the text's meaning or destroying the author's voice. Use the *Law Review Style Guide*, *The Redbook*, *Garner's Dictionary of Legal Usage*, and *Garner's Modern English Usage* for all questions regarding grammar, usage, and style. Remember, subcheck editors must (1) turn on "Track Changes" before making any edits in the Word document, (2) document their substantive edits using Word comments, and (3) always explain why they made a change. Be professional and respectful with your comments, as they are sometimes kept as-is and sent to authors.

A difficult problem arises if subcheck editors determine that large scale rewriting may be in order. Subcheck editors should contact their respective Articles & Comments Editor if they encounter this issue. If both the subcheck editor and the Articles & Comments Editor decide a major reorganization or rewrite is necessary, the subcheck editor will indicate what improvements have been made and what additional improvements he or she believes need to be made in Word comments.

Bluebooking Footnotes. Third, subcheck editors must ensure each footnote contained in their assigned portion is properly Bluebooked. Subcheck editors should reference and update the cover sheet created during the printchair process to determine which Bluebook rules apply to the footnote. The subcheck editor should fill in the relevant portions of the cover sheet. The editor should then upload a new version of the cover sheet that contains the editor's verification or modifications of the printchair editor's work.

Cite-Checking Footnotes. Fourth, and most importantly, the subcheck editor must cite-check each footnote against the downloaded most original copy of the source contained in the article’s printchair file. The editor must subcheck every footnote and citation, including short cites. This step involves several sub-steps:

- *Find the cited text.* The editor must search for the source text that supports the author’s stated proposition, starting with any pincite the author provided, but expanding the search if the proposition is not on that page. For shorter sources (approximately 5–10 pages in length), the editor should read the entire source to ensure accuracy. For longer sources, read enough of the source to ensure accuracy; the editor should not merely skim the source. The subcheck editor must consider the context of the cited material when checking for substantive accuracy. Often the author’s pincite is correct, but mistakes do occur. Subcheckers should start looking on the pincited page, but if that page does not contain the relevant text, they should expand their search.
- *Highlight and save the text.* Once the editor locates the relevant text, he or she must highlight the text and upload the highlighted version to the designated subcheck file in the online file storage software:
 - Subcheck editors must appropriately title this new version the following: “FN[#]_[FirstThreeWords]_SUBCHECK”.
 - For example, FN104_TheFederalist75_SUBCHECK.
 - The footnote number is the actual footnote the subcheck editor is checking, not the footnote where the original source is found.
 - The First Three Words should *not* include signals but should include things like an author’s name, the abbreviated “versus” in the name of a case, titles, and any short form.
- *Correct citation errors.* If the author’s cite is inaccurate for any reason, subcheck editors must correct the citation error in Track Changes, providing any necessary explanation in a Word comment.
- *Add necessary footnotes.* Authors sometimes make mistakes when citing. During the first executive review, the Executive Editor will denote portions of the article requiring further citation. The subcheck editor is also responsible for flagging and correcting any areas missing sufficient citation. If a proposition needs a citation, add the new citation as a Word comment. If the subcheck editor disagrees with the Executive Editor’s citation flags, indicate why in a Word comment. The editor should always attempt to add a complete citation, using either sources already cited in the article or other sources found by the editor. But if the subcheck editor is unable to find the proper source, insert a Word comment explaining that a footnote is needed, and the author must supply a source for the proposition.

- At a minimum, there should be a footnote whenever a case name is first fully cited in the text, a statute is referred to, the author quotes a source in the text, an assertion lacks support, and a cross-reference to another portion of the article would clarify the textual discussion.
- New subchecked footnotes should be indicated using the following format:

FN[previous footnote #]-[# indicating how many footnotes after the previous footnote]_[FirstThreeWords]_SUBCHECK.
 - For example: FN103-2_TheFederalist75_SUBCHECK.
 - The “2” indicates that it is the second new source following what was originally footnote 103.
- If the footnote needs a new source not previously printchaired, the editor must create a printchair cover sheet for the source, find or download the most original source, and subcheck the source.
 - New cover sheets are indicated as follows: FN117-5_TheFederalist10_COVER SHEET.
- *Save and upload electronic copies.* The editor must save an electronic copy of the article, upload their subchecked version to the designated file in the online file storage software, and notify his or her Articles & Comments Editor that the subcheck is complete. The editor must also upload the highlighted copies of the article’s sources to the appropriate folders on the *Law Review*’s cloud-based storage system.
 - Subcheck editors must title their edited portion appropriately—e.g., “[Subcheck Editor’s First Name]_[Subcheck Editor’s Last Name]_[Author’s Last Name]_SUBCHECK”.

Although the subcheck encompasses ordinary editing, it emphasizes above all the critical investigation of an article’s substantive adequacy and authenticity. The subcheck functions to find flaws and to suggest organizational, analytical, and stylistic changes. The subcheck editors [robe behind the face of the argument and criticize and correct the argument in light of what the sources really say or mean. Subcheck editors should use their imagination and aggressiveness in making any and all changes that would improve the draft. They do not just suggest that a change is called for but rather draft a proposed modification and use a Word comment to indicate why a change is desirable.

c. Answer Questions and Work Diligently

When responding to an Articles & Comments Editor’s questions or commenting on the article, subcheck editors shall organize their remarks so that their Articles & Comments Editor can easily understand each point they make. Subcheck editors should always document their edits with

Word comments. Subcheck editors are to remain in contact with their Articles & Comments Editor via email, phone, or on Microsoft Teams when necessary. Finally, subcheck editors shall meet their deadlines—inability or unwillingness to do so impacts everyone’s work on the *Law Review*. Editors’ failure to meet deadlines may result in unsatisfactory performance evaluations or strikes as defined herein. *See* Chapter IV, Article IV, §§ 9–11.

d. Use the Bluebook

Every subcheck assignment includes Bluebooking all citations. Everything that appears in the *Law Review* must conform to the rules in *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass’n et al. eds., 21st ed. 2020). If subcheck editors have any doubt about a Bluebooking point, look it up in the print or online versions of *The Bluebook*. Subcheck editors will save time by becoming familiar with the Bluebook in advance.

§ 4. The Second Articles & Comments Editor Review.

During the subchecking process, the subcheck editors should confer regularly with the Articles & Comments Editor who initially edited the piece to discuss ideas, comments, or problems that may be difficult to reduce to writing.

When the subcheck editors turn in their assignments, the Articles & Comments Editor reviews the article and their work product. If the Articles & Comments Editor has further questions about any part of the article, or if the work product is incomplete or unsatisfactory, the Articles & Comments Editor may return the assignment to the subcheck editor for further work. If following an opportunity to correct the work, the subcheck editor’s work remains deficient, the subcheck editor may be subject to sanctions. *See* Chapter IV, Article IV, §§ 9–10.

When the subcheck editors have satisfactorily completed their assignments, the Articles & Comments Editor collates their work product and prepares a final draft of the article. Usually, a fairly extensive revision is necessary to incorporate all of the information gathered. Articles & Comments Editors must then read, critique, and adopt or reject their Junior Staff Editors’ edits and comments in a new version of the piece that incorporates all of the Junior Staff Editors’ changes (*e.g.*, do not save over any prior versions). Articles & Comments Editors should make as many comments as needed to ensure that the Executive Editor assigned to the article understands why certain changes were made.

- Articles & Comments Editors must appropriately title this new version: “[Editor Name]_[Author’s Last Name]_ACE EDIT”
- Once the Articles & Comments Editor has done so, they should add their own edits within this same version of the piece, accepting any minor edits made by Junior Staff Editor(s) at their discretion.
- Once the Articles & Comments Editor completes their edits, the Articles & Comments Editor must send the document to the relevant Executive Editor.

The relevant Executive Editor reviews the Articles & Comments Editor's final draft and may suggest further changes and revisions to the Articles & Comments Editors and to the subcheck editors.

§ 5. The Second Executive Review.

After the Second Articles & Comments Editor Review, a piece undergoes an executive edit. This is primarily performed by the Executive Editors, but can be performed by the Senior Articles Editor, Senior Notes & Comments Editors, Senior Writing Editor, Symposium Editors, Managing Editor, or any Articles & Comments Editor, at the Editor-in-Chief's discretion. The executive edit involves checking the accuracy and necessity of the edits produced during the earlier stages, while adding additional edits.

§ 6. Editor-in-Chief and Executive Editors.

After the executive edit, the piece should be almost perfect, so the Executive Editors and Editor-in-Chief should only encounter minor technical errors. If this is not the case, they may return the piece to the Articles & Comments Editor for further modifications and corrections.

§ 7. First Page Proofs.

When the Editor-in-Chief determines that the piece is satisfactory, the Editor-in-Chief sends the first page proof to the author for approval. A copy is sent to the author for approval and corrections. Following any corrections made by the author, editors once again proofread a copy.

The Editor-in-Chief carefully compares the first page proofs against the original Word document to ensure that the template has not introduced new errors. Each error should be clearly identified for correction. More importantly, any *Law Review* errors not corrected in previous editing must be identified and corrected.

Templated articles look different—errors, bad writing, even poor logic can stand out. As the first careful reader of the templated version, the Editor-in-Chief should catch these flaws. Marking and keeping note of all blank page and volume numbers and of all citations to unofficial reporters is required when checking footnotes. An assigned Editorial Board editor checks these cites against the official sources, if they have appeared.

The page proof editor should not assume that the printer's computer hyphenated all words correctly at the end of a line. In early proofing assignments, almost every hyphenation should be checked against the dictionary (e.g., req-uisition, but re-quiem). Word-breaking is something that few do well. All but the most obvious hyphenations should be checked. Improper hyphenation and all other printer's errors become chargeable as *Law Review* errors if overlooked at the first proof stage; when later corrected at the revised proof stage, they cost nearly twice as much money.

The following is a checklist of the operations that page proof editors must perform during first page proofs:

- The reader reads aloud from the original; the follower follows along on the first proof to ensure that it corresponds. Both the reader and the follower must watch for errors in spelling, punctuation, spacing, grammar, hyphenation, and similar technical problems.
- Verify that the footnotes are consecutive and appear on the same page as the textual reference.
- Make sure that the first line on each page does not repeat or improperly continue the last line on the preceding page.
- Match article outline, if any, with the headings in the text for identical wording, capitalization, enumeration, and type style. Center each textual heading.
- Check all margin alignments, especially paragraph indentations and block quotations.
- The follower must mark every error neatly and accurately.

The Editor-in-Chief marks the page proof corrections on a digital copy of the page proofs, adds the correct pages numbers and page headings, and prints a revised page proof.

§ 8. Revised Page Proofs.

Revised proofs are paginated continuously and show exactly how the entire printed issue will appear. When revised proofs are ready, every editor of the Editorial Board is considered available to proofread them as quickly and as accurately as possible. Junior Staff Editors must conduct at least one revised page proof to meet the requirements, referenced in § 6. This stage is the absolute last bite at the accuracy apple—errors missed here will appear in the *Law Review* issue.

The instructions for proofreading revised proofs are generally the same as for first proofs, with the exception that page headings now require checking.

Left page heading:

UNIVERSITY OF MIAMI LAW REVIEW [Vol. ##:###

Right page heading:

yyyy] SHORT TITLE OF ARTICLE ###

Similarly, at the revised proof stage, the correct page numbers appear for the first time. The outline for each article, the table of contents, the issue index, and any cross-citations to other pieces in the same issue are also added.

The proofreaders must carefully review the revised proofs. As with first proofs, the proofreaders must keep track of all blank spaces and unofficial citations. An editor then completes all blank cross-citations while another checks for official reporters that may have appeared since first proofs.

The Editor-in-Chief marks these corrections on a copy of the proofs and returns them to the printer. At this point, the Editor-in-Chief and the Executive Editors read the entire book. After the printer returns contract proofs for a final check, the Editor-in-Chief and the Executive Editors proofread only the revised page changes and post any additional changes. Changes at this point are very expensive and may delay receipt of the issue. The Editor-in-Chief returns the posted contract proofs to the printer for final printing.

CHAPTER IV: UNIVERSITY OF MIAMI LAW REVIEW BYLAWS

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(Last Updated on August 17, 2023)

ARTICLE I. NAME

Section 1. The name of this organization shall be the *University of Miami Law Review* (the “*Law Review*”).

Section 2. The organization shall be located at and affiliated with the University of Miami School of Law (the “*Law School*”) in Coral Gables, Florida.

ARTICLE II. PURPOSE

The purpose of the organization is to publish quarterly a law review. The publication shall contain scholarly articles written by faculty, *University of Miami Law Review* editors, and other persons associated with the legal profession for the purpose of enhancing the study of law.

ARTICLE III. ORGANIZATION

Section 1. The Editorial Board shall consist of all Junior Staff Editors and Staff Editors of the *Law Review*.

Section 2. The Executive Board shall consist of the officers of the *Law Review*, as listed in Article V of these Bylaws.

Section 3. Junior Staff Editors shall be students selected for the *Law Review*, but not yet Staff Editors of the *Law Review*.

Section 4. The Faculty Advisor shall be selected by the Law School in consultation with the Dean of the Law School and shall perform duties prescribed by the Editorial Board and these Bylaws.

ARTICLE IV. EDITORIAL BOARD

Section 1. *Duties and Powers.* The Editorial Board shall determine the general policies of the *Law Review* and perpetuate itself as provided in these Bylaws. It shall have the power to perform any act or acts authorized by these Bylaws. The individual editors of the Editorial Board shall perform the duties assigned by the Executive Board.

Section 2. *Academic Credit.*

(a) *Writing Credit.* Any academic credit authorized by the faculty of the Law School for *Law Review* writing shall be offered, controlled, administered, and awarded by a member of the faculty of the Law School. The granting of, or refusal to grant, academic credit for any manuscript submitted to the *Law Review* for publication shall in no way affect the determination of the acceptability of any student-written work submitted to meet the Staff Editor writing requirement.

(b) *Executive Board.* The following Executive Board positions are eligible for two (2) academic credits for each semester of service, up to four (4) credits in total, on a pass/fail basis:

- Editor-in-Chief;
- Executive Editors;
- Eleventh Circuit Editor;
- Senior Notes & Comments Editors; and
- Articles & Comments Editors.

Executive Board members who wish to receive academic credit must notify the *Law Review*'s Director of Programs by the University's course registration deadline. To receive credit, members must submit monthly time sheets to the Director of Programs and Editor-in-Chief, detailing the tasks completed and time undertaken, by the first business day of the following month. In order to be deemed to "pass," Executive Board members must adhere to their obligations as set out in this Blackbook. Failure to adhere to these obligations or receipt of two (2) unsatisfactory performance evaluations, may result in receiving a "fail" for the semester.

Section 3. *Award of Certificates.* All editors of the *Law Review* shall receive certificates upon graduation if they have served on the *Law Review* for two full semesters as a Junior Staff Editor and two full semesters as a Staff Editor or an officer of the Executive Board, have performed assigned duties to the satisfaction of the Editorial Board, and have fulfilled their writing requirements. Students who write onto the *Law Review* during the Writing Competition in the summer between their second and third year shall receive a certificate upon the successful completion of two full semesters as a Junior Staff Editor. A two-thirds majority of the Editorial Board, not including officers of the Executive Board, may deny an editor a certificate upon recommendation of the Executive Board that the particular editor's award would not be justified.

Section 4. *Active Membership on the Law Review.* Any editor of the *Law Review* shall be considered as active until graduation, unless the editor shall have resigned or been expelled in accordance with the provisions of these Bylaws.

Section 5. *Members Emeritus.* Any member of the *Law Review* who has completed their full two-year commitment on the *Law Review* but is still an active student in the Law School shall be considered an *Editor Emeritus* and will not be required to participate in the *Law Review*'s activities.

Section 6. *Alumni Members.* Members of the *Law Review* who have graduated from the school shall be classed as alumni members of the *Law Review*.

Section 7. *Writing Requirements.*

(a) *Generally.* To receive a *Law Review* certificate, each editor must fulfill the *Law Review* writing requirements as outlined in Chapter II, *supra*. Every topic must be approved by a Senior Notes & Comments Editor before the Junior Staff Editor conducts extensive research. Unless accepted by the Editor-in-Chief as of publishable quality, an article shall not fulfill the writing requirement. Subsection (d) of this Section specifies the deadlines for submission of articles. Failure to submit

an article of publishable quality within the time allotted shall constitute a ground for denial of Staff Editor status or ineligibility for election to the Executive Board.

(b) *Format for Student Writing.* Each *Law Review* Junior Staff Editor will be required to write one article of publishable quality. The structure and focus of these articles will be flexible and directed by a Senior Notes & Comments Editor.

(c) *Criteria for Publication.* Criteria for publication of student work will be established by the Senior Notes & Comments Editors with final approval of the Editor-in-Chief. The criteria shall be distributed at the Junior Staff Editor orientation meetings.

(d) *Deadlines.* All articles must be submitted according to publication schedules set by the Senior Notes & Comments Editors and approved by the Editor-in-Chief. A Junior Staff Editor's failure to complete a publishable article in time for slated publication will preclude his or her eligibility for Staff Editor status.

Section 8. *Administrative Responsibilities.* Each editor of the Editorial Board shall check their school email accounts or Microsoft Teams on a regular basis. Each editor of the Editorial Board shall be available for performing responsibilities as required or needed and assigned by the Editor-in-Chief or the Managing Editor at reasonable times. Failure to complete these ad hoc responsibilities may result in revocation of good standing as outlined in Chapter I, § 6.

Section 9. *Unsatisfactory Evaluations of Junior Staff Editors.*

(a) *Notification.* In the event that a Junior Staff Editor's assigned Articles & Comments Editor determines that the Junior Staff Editor's submitted printchair assignment or subcheck assignment is unsatisfactory, the Articles & Comments Editor will notify the Junior Staff Editor within fifteen (15) days of the submission and give him or her an opportunity to correct the deficient assignment. If post-correction the Articles & Comments Editor still deems the performance deficient, the Articles & Comments Editor will notify the Junior Staff editor within seven (7) days.

(b) *Process for Appeal.* Upon notification of a continued deficient performance, the Junior Staff Editor will have four (4) days in which to request an initial meeting with the Articles & Comments Editor, and may, within ten (10) days of this meeting, petition the supervising Executive Editor for review of any adverse decision. The Executive Editor's decision as to whether a printchair assignment or subcheck assignment is unsatisfactory will be final.

(c) *Unsatisfactory Performance Evaluations.* The Editorial Board will deny Staff Editor status on the *Law Review* to any Junior Staff Editor receiving greater than two (2) unsatisfactory printchair assignment or subcheck assignment evaluations. Receipt of two (2) or more unsatisfactory performance evaluations will result in revocation of good standing on the *Law Review* as outlined in Chapter I, § 6(b). A Junior Staff Editor denied Staff Editor status, however, may preserve his or her membership on the *Law Review* during the following year by completing his or her further obligations as a Junior Staff Editor.

Section 10. *Unsatisfactory Evaluations of Staff Editors.*

(a) *Notification.* In the event that a Staff Editor completes an assignment determined by an officer of the Executive Board to be of unsatisfactory quality or timeliness, or in the event a Staff Editor fails to complete a requirement set forth in Chapter I, § 6(a), an officer of the Executive Board will notify the Staff Editor of his or her substandard or incomplete performance within seven (7) days.

(b) *Process for Appeal.* Upon notification, the Staff Editor will have four (4) days in which to request an initial meeting with the notifying officer of the Executive Board, and may, within ten (10) days of this meeting, petition the Editor-in-Chief for review of the adverse decision. In the event the Editor-in-Chief initially notified the Staff Editor of their unsatisfactory or incomplete performance, the *Law Review's* Executive Editors will review the decision and come to a decision on a majority basis. The decisions of the Editor-in-Chief or Executive Editor sitting as an appellate authority to determine whether the Staff Editor's performance was unsatisfactory or incomplete will be final.

(c) *Unsatisfactory Performance Evaluations.* In the event that a Staff Editor receives greater than two (2), unsatisfactory or incomplete performance evaluations, the Staff Editor will be informed by either the Editor-in-Chief or Director of Programs that the Staff Editor is no longer in good standing of the *Law Review*. Removal from the *Law Review* based on greater than two (2) adverse decisions will be final, subject to the due process protections afforded by Article VIII of these Bylaws.

Section 11. *Strike Process.* In the event that an editor fails to appropriately meet any of the requirements listed in § 6, the Editor-in-Chief will administer a strike via email. Upon the first deficiency, the Editor-in-Chief will notify the editor within 15 (fifteen) days and provide an opportunity to correct the issue. If the issue is not corrected or if another deficiency occurs, the Editor-in-Chief will issue a second strike, also with a notification within 15 (fifteen) days. A third strike will be issued if deficiencies continue, resulting in the editor's dismissal, with the same 15 (fifteen) days notification period. The editor has the right to appeal any strike within 7 (seven) days of notification.

Section 12. *Duties of Staff Editors.* See Chapter I, § 6(a) for the current obligations of Staff Editors. All of the obligations outlined in Chapter I, § 6(a) are subject to exception only with the express consent of the Editor-in-Chief.

Any Staff Editor who does not successfully complete an assignment or requirement under this Section shall be subject to disciplinary action as set forth under Article IV, § 10 of these Bylaws. Nothing in this section shall be construed in any way to limit the power of the Editor-in-Chief to assign work to any editor of the *Law Review*.

ARTICLE V. EXECUTIVE BOARD

Section 1. *Composition and Duties.* There shall be between seventeen (17) and nineteen (19) officers of the Executive Board, not including the Editor-in-Chief. The Executive Board shall act as an advisory board for the Editor-in-Chief, shall be responsible for working out the details for making effective the general policies established by the Editorial Board and the Editor-in-Chief,

and shall perform other duties prescribed by these Bylaws. The Editor-in-Chief or the Executive Board may revise the duties of the Executive Board only by an amendment to these Bylaws.

Section 2. *Editor-in-Chief*. The Editor-in-Chief shall be directly responsible for the entire management of the affairs of the *Law Review*. The Editor-in-Chief must pass final judgment on each and every article and item submitted to the *Law Review* for publication; assign duties not otherwise assigned to officers, Staff Editors, and Junior Staff Editors, and make necessary changes in assigned duties; preside at all meetings; determine all matters of general policy subject only to the guidance of the Editorial Board; supervise and direct all officers in the discharge of their respective duties; officially invite qualified students of the Law School to become Junior Staff Editors; notify Junior Staff Editors of their elevation to Staff Editors so elevated; admonish and discipline officers, Staff Editors, and Junior Staff Editors; and sign Certificates of Membership on the Board. His or her authority shall be commensurate with his or her duties.

Section 3. *Executive Editors, Senior Articles Editor, Senior Notes & Comments Editors, and Senior Writing Editor*. There shall be three Executive Editors, a Senior Articles Editor, two Senior Notes & Comments Editors, and a Senior Writing Editor who shall take turns in presiding at meetings and otherwise representing the Editor-in-Chief in the absence of that officer.

(a) The Executive Editors shall have responsibility for the editorial process of the *Law Review*; reviewing articles at all stages of production, assisting in the work of the Senior Articles Editor, the Senior Notes & Comments Editors, and the Senior Writing Editor; and such other duties as the Editor-in-Chief or the Executive Board may assign from time to time. The Executive Editors shall supervise the editing of all articles by the Articles & Comments Editors, perform the executive edit of all materials for print publication—including but not limited to articles, comments, notes, book reviews, and essays—upon completion of primary editing by the Articles & Comments Editors, review article submissions, and perform such other duties as the Editor-in-Chief may assign from time to time.

(b) The Senior Articles Editor shall coordinate and supervise the publication selection process, review article submissions for both the *Law Review*'s print issues and online component, *Caveat*, and perform such other duties as the Editor-in-Chief may assign from time to time.

(c) The Senior Notes & Comments Editors are responsible for coordinating all student works published in the *Law Review*. Specifically, the tasks include coordinating and developing note topics for student work; assigning topics and preliminary topics to incoming Junior Staff Editors and Staff Editors; coordinating the editorial process for reviewing and revising student works; ensuring that an appropriate faculty advisor is assigned to a topic and that the student work occurs according to schedule; and ensuring that the writing and editorial processes are synchronized with the *Law Review*'s publication schedule for each issue. The Senior Notes & Comments Editors, at the discretion of the Editor-in-Chief, may be asked to supervise the editing of all student notes and comments, perform the executive edit of student notes and comments upon completion of primary editing by the Articles & Comments Editors, and perform such other duties as the Editor-in-Chief may assign from time to time.

(d) The Senior Writing Editor is responsible for creating, maintaining, and organizing the *Law Review's* Student Writing Competition. He or she shall obtain Inter-Library Loans as requested by Junior Staff Editors or Staff Editors. The Senior Writing Editor shall also assist the Editor-in-Chief in inviting all new students to membership on the *Law Review*, oversee any development or survey pieces, and perform such other duties as the Editor-in-Chief may assign from time to time.

(e) Nothing in this section shall derogate from the fundamental authority and responsibilities of the Editor-in-Chief, delineated in Article V, § 2 of these Bylaws.

Section 4. *Eleventh Circuit Editor*. The Eleventh Circuit Editor shall be responsible for the management of the Eleventh Circuit Issue, to be published annually by the *Law Review*. The Eleventh Circuit Editor shall, when necessary and with the assistance of the Executive Board, choose a timely theme or topic for this annual issue and solicit authors and candidate notes for the Eleventh Circuit Issue. The Eleventh Circuit Editor shall finalize all publication agreements with all authors for the Eleventh Circuit Issue, facilitate correspondence with authors throughout the publication process, facilitate the submission of articles to the *Law Review*, perform the executive edit of Eleventh Circuit Review articles upon completion of primary editing by the Articles & Comments Editors, and perform such duties as the Editor-in-Chief may assign from time to time.

Section 5. *Digital Editor*. The Digital Editor is responsible for the professional, timely, and independent maintenance of the *Law Review's* digital identity. The Digital Editor's specific responsibilities are as follows:

(a) The Digital Editor organizes, edits, and posts blog entries created by students pursuant to the *Law Review's* blogging requirement. The Digital Editor shall endeavor to post an average of one original blog entry per week that school is in session, excluding finals.

(b) The Digital Editor maintains and regularly updates the *Law Review's* social media accounts. Such maintenance shall include efforts to ensure the broadest possible exposure for student and *Law Review* work.

(c) The Digital Editor maintains current and accurate information on any digital platform purporting to be a home page for the *Law Review* and maintains an up-to-date design appearance for any such page.

(d) The Digital Editor assists the Law School library staff in managing the *Law Review's* digital repository.

(e) The Digital Editor oversees the *Law Review's* *Caveat* Committee, which will be staffed voluntarily or by assignment by the Editor-in-Chief, for the purposes of publishing the *University of Miami Law Review Caveat*. The Digital Editor, in his or her capacity as the leader of the *Caveat* Committee, will work with the Senior Articles Editor and the Editor-in-Chief in selecting, editing, and publishing scholarly articles, essays, or book reviews through the online-only *Caveat* platform. The Digital Editor will have the authority to distribute printchair, subcheck, and executive editing responsibilities to the members of the *Caveat* Committee on an as-needed basis.

(f) The Digital Editor ensures that the *Law Review's* digital identity remains autonomous, independent, and student-run, as mandated by Article XV of these Bylaws.

Section 6. *Symposium Editor(s)*. There may be one (1) or two (2) Symposium Editor(s). If nominees for Symposium Editor wish to run together, they must sign up as a joint ticket and will be treated for speech and voting purposes as a single nominee during Elections. The Symposium Editor(s) will plan, manage, and operate a legal symposium. If two (2) Symposium Editors are elected, the Symposium Editors shall meet with the Editor-in-Chief and Director of Programs within thirty (30) days after being elected to outline the duties, tasks, and responsibilities between the two Symposium Editors for the duration of their tenure. The Symposium Editor(s) shall also edit essays, student articles, and other such pieces assigned by the Editor-in-Chief and perform other special projects as assigned by the Editor-in-Chief.

Section 7. *Managing Editor*. The Managing Editor of the *Law Review* shall represent the Editor-in-Chief in all administrative business of the *Law Review*, including Inter-Club Council meetings and any other meetings as needed by the Editor-in-Chief; shall maintain records of all editorial assignments and accomplishments of Executive Board officers and Editorial Board editors; shall maintain and update the *Law Review's* calendar; shall keep the Editorial Board updated and announce all *Law Review* events, meetings, and important dates; shall assist the Symposium Editor(s) in the planning, operating, and management of the Symposium; shall attend all *Law Review* meetings and take notes to distribute after each meeting; and shall perform such other duties as the Editor-in-Chief or the Executive Board may assign from time to time. The Managing Editor shall also be responsible for planning *Law Review* functions, including an annual banquet and formal and informal gatherings of *Law Review* editors, alumni, and first-year candidates.

Section 8. *Articles & Comments Editors*. There shall be six Articles & Comments Editors. The Articles & Comments Editors shall coordinate Junior Staff Editor assignments and each Articles & Comments Editor is responsible for his or her group's assignments. The Articles & Comments Editors edit every piece accepted for publication and assigned to him or her by the Editor-in-Chief or Executive Editors by working closely with those Junior Staff Editors assigned to their publication group. Articles & Comments Editors shall have the duties and responsibilities assigned to them by the Editor-in-Chief, the Executive Editors, the Senior Articles Editor, the Senior Notes & Comments Editors, the Senior Writing Editor, and the Eleventh Circuit Editor. There shall be no differences in rank among the Articles & Comments Editors.

ARTICLE VI. ELECTIONS

Section 1. *Eligibility*. Any editor of the Editorial Board who has completed one article of publishable quality and remains in good standing shall be eligible for election to any office on the *Law Review*, provided he or she has at least one full year of resident work in the school remaining to be done before graduation, and provided further, that he or she expects to be available for the duties of the office during the year for which elected, except that any editor of the Editorial Board graduating in December ("December graduate") of the calendar year following the election shall be eligible to run for the position of either Senior Writing Editor or Articles & Comments Editor for a one semester term, in accordance with the provisions of Article VI, § 2 of these Bylaws. All candidates must meet with the Director of the Law Reviews prior to the election to be eligible.

(a) The Editor-in-Chief, the Executive Editors, and the Managing Editor shall alternate performance of their obligations during the period between any required work periods so that the administrative functions of each of the offices, and the presence of one throughout the summer shall not excuse the others from the fulfillment of their obligations. Each officer, however, shall remain responsible for the editorial function of his particular office.

(b) The Articles & Comments Editors and Symposium Editor(s) shall remain responsible for the editorial function of their particular offices, as determined by the Editor-in-Chief, the Executive Editors, and the Managing Editor, throughout the summer.

(c) This section shall not be construed to prevent any *Law Review* member from engaging in full-time employment during the summer period between any required work periods.

Section 2. *Time*. Election of officers shall be held at a meeting or meetings of the *Law Review* duly called for that purpose at least two months before the end of the spring semester. All officers shall be elected for a term of one full year; except that a December graduate may be elected to the position of either Senior Writing Editor or Articles & Comments Editor for a term of one semester. In the event that a December graduate runs for a one-semester term as the Senior Writing Editor or as an Articles & Comments Editor, the following rules and procedures shall apply:

(a) When nominating himself or herself, pursuant to section 4 of this Article, the December graduate must indicate, in a parenthetical following his or her name, that he or she is running as a December graduate. Eligible Editorial Board editors may thereafter nominate themselves as successors to the December graduate. The drop-down provisions of Article VI, § 4(b) of these Bylaws apply to successor positions.

(b) The Executive Board shall determine the date on which the term of the December graduate, if elected, shall expire, and the date on which the term of his or her successor shall commence. Such determination shall be made no later than the second day before the election is held.

Section 3. *Vacancies*. Should any office become vacant during the term for which the officer was elected, a successor to that office shall be elected by the editors of the *Law Review* at a special election meeting to be held as soon as practicable after the vacancy arises, to serve in that office for the duration of the vacating officer's term. The Editor-in-Chief, with the concurrence of the Executive Board, shall have the power to appoint a temporary successor until the special election is held.

Section 4. *Nomination*. Nominations and election for each office shall be separate for each office in the following order: Editor-in-Chief; Executive Editors; Senior Articles Editor; Senior Notes & Comments Editors; Senior Writing Editor; Eleventh Circuit Editor; Digital Editor; Symposium Editor(s); Managing Editor; Articles & Comments Editors; and, if necessary, successor(s) to December graduate Articles & Comments Editor(s). Nominations for Communications & Outreach Editor may also be had.

(a) *Sign-up list.* At least three weeks before the election meeting, the Editor-in-Chief shall email a sign-up list for nominations. The Editor-in-Chief shall remove the sign-up list at 5:00 p.m. on the third day before the election meeting.

(b) *Drop-down provision.* Nominations must be self-made, by each nominee's signing the list. Each nominee must sign up for the highest office for which the nominee desires to run. A nominee who runs unsuccessfully for an office shall be presumed eligible to run for any subsequent office to be filled at the election meeting. A nominee must be present at the election meeting in order to run for a position on the Executive Board. A nominee may be exempted from this requirement with the approval of the Executive Board.

(c) *Speeches by nominees.* All nominees shall be given an opportunity to speak on their own behalf at the election meeting. Editors of the Editorial Board shall have an opportunity to question the nominees. There shall be a general discussion of the nominees by Editorial Board editors after all nominees have spoken and have left the room. The Election Chair shall rule out of order any question about a nominee's willingness to run for any subsequent office under the dropdown provision.

Section 5. *Election procedure.*

(a) Before the day of the election meeting, the Executive Board shall adopt election procedure rules, which shall include the appointment of the Election Chair, time limits for the nominees' opportunity to speak on their behalf, for questioning of the nominees by all editors of the *Law Review*, and for the general discussion period.

(b) No person who is a nominee for an Executive Board position shall be present in the room during the general discussion related to the position for which that person is running.

(c) If, during the general discussion of the nominees, someone raises an issue regarding a nominee not addressed during the nominee's speech or question and answer period and a voter believes it would be unfair not to have that nominee address the issue, then the voter may make a motion to bring the nominee back in the room for the sole purpose of addressing the issue. If another voter seconds the motion, a vote shall be held as to whether the nominee should return to the room to address the issue.

If a majority of the people in the room vote to allow the nominee to address the issue, then the nominee shall return to the room and the Election Chair shall paraphrase the issue to the nominee. The Election Chair shall then allow the nominee a reasonable amount of time to respond to the issue.

The identity of the person who raised the issue about the nominee causing these procedures to be invoked shall never be revealed to anyone not in the room when the issue was originally raised. Any person who violates this rule may be subject to both expulsion from the *Law Review* and referral to the Honor Council for additional sanctions.

(d) *Code of Silence.* No person present during the discussion of the nominees for office shall discuss what was said to any person not present during the discussion, including the nominee for

office. However, anything said during the discussion that is in and of itself an Honor Code violation shall be reported to, and only to, the Honor Council.

Section 5. *Balloting.*

(a) *Generally.* Balloting for each office shall be conducted separately. All editors of the Editorial Board, including nominees, may cast one ballot each. When casting a ballot, an editor may vote for a number of nominees equal to the number of positions to be filled, and no editor may give more than one vote to a single nominee on any particular ballot. The nominees shall be ranked according to the number of valid ballots cast for each nominee. For positions in which a nominee runs unopposed, a voter may motion that balloting be taken by a show of hands. If a second voter seconds this motion, a vote shall be held as to whether the balloting shall be held by a show of hands.

(b) *Votes necessary to win.*

i. *Quorum Needed.* The *Law Review* must maintain a quorum during elections for all votes to be considered valid. A quorum will be met if a majority of all editors of the *Law Review*, including Staff Editors and Junior Staff Editors, is in attendance.

ii. *Majority Needed.* A majority of votes is required to win. If no majority is garnered in the first election, the top three vote-getters will have a runoff. In this second election, if none of the top three gets a majority, a runoff of the top two vote-getters shall take place.

iii. *Articles and Comments Editors.* Each nominee receiving a majority of the valid ballots cast shall be elected. In the event that fewer than six candidates receive a majority of votes, the field shall be cut to the top vote-getters equivalent to twice the number of remaining open Articles & Comments Editor positions, plus ties. Any subsequent runoffs shall be conducted in the same format. The number of votes each editor may cast in runoffs shall be equal to the number of positions open.

Section 6. *Absentee Ballots & Proxy Voting.*

(a) The Executive Board, by a majority vote, may allow absentee balloting. Such ballots must be deposited with the Managing Editor before the election meeting.

(b) The Executive Board, by a majority vote, may allow proxy balloting. Each absent voter must designate a proxy to be recorded with the Managing Editor. The designated proxy will vote twice, once for themselves, and once for the person that has designated them as proxy.

Section 7. *Assumption of Authority.* The assumption of authority by the officers-elect shall take place on a date set by the Editor-in-Chief as soon as is convenient after elections, but in no case later than the last day of the academic semester.

Section 8. *Special Elections.* If after the annual election of officers any position(s) remain unfilled, the Editorial Board, at a special election to be held as soon as practicable after the annual elections, may fill such position(s). If an editor not in good standing at the general election then becomes in

good standing prior to the special election, they may be eligible to run at such election. For the purposes of this section absentee ballots shall be permitted only if:

- (1) notice of the meeting is posted for at least one week before the meeting,
- (2) the editor has a reasonable excuse for missing the meeting as determined by the Executive Board before the commencement of the meeting, and
- (3) the absentee ballot is in writing and specifies how the editor wishes to vote on each matter to be raised that the editor wishes to vote upon.

The outgoing Editor-in-Chief shall be responsible for providing those voting via absentee ballot with the information they would receive if attending the election so that their vote may be informed.

Section 9. *Attendance.* All Junior Staff Editors, Staff Editors, and Executive Board Members are required to attend the Election Meeting. If any member cannot attend, they must notify the Managing Editor within seven (7) days of the scheduled meeting.

ARTICLE VII. IMPEACHMENT

Section 1. For good cause shown, impeachment charges may be filed against any officer of the *Law Review*. These charges shall be filed by any editor of the Executive Board with the concurrence of a majority of the Executive Board or as a result of direction by a petition signed by one-third of the editors of the Editorial Board.

Section 2. Following the filing of such charges, the officer shall be entitled to reasonable notice of the charges, a hearing before the Editorial Board, the opportunity to present witnesses and cross-examine opposing witnesses, and any other procedural protections required to guarantee procedural due process under the circumstances. Each Editorial Board editor shall render a verdict of either: “Responsible as Charged” or “Not Responsible.” A two-thirds majority of the active membership of the *Law Review* shall be necessary to impeach. An editor found Responsible as Charged under this section will be removed from office but will otherwise remain an editor of the Editorial Board.

ARTICLE VIII. EXPULSION

Section 1. For the reasons outlined in Chapter I, § 6 and Article IV, §§ 9–10 of these Bylaws, or for other good cause shown, any editor of the Editorial Board who is not an officer may be expelled from the Editorial Board of the *Law Review* by the Editor-in-Chief and a majority of the Executive Board. Before such action, the editor shall be entitled to reasonable notice of the charges, a hearing before the Executive Board, the opportunity to present witnesses and cross-examine opposing witnesses, and any other procedural protections required to guarantee procedural due process under the circumstances.

Section 2. The expulsion of any editor of the *Law Review* shall be announced by the Editor-in-Chief at the next regular or special meeting of the *Law Review* following the expulsion—or by email if no meeting is scheduled within two weeks. Any former editor who feels he or she has been unjustly expelled from the *Law Review* may present his or her case at such meeting. Upon the recommendation of a majority of *Law Review* editors, such editor will be reinstated.

ARTICLE IX. JUNIOR STAFF EDITORS

Section 1. *Invitations to Membership.*

(a) Invitations to candidacy shall be granted based on the following formula:

On the day that the registrar releases grades and at the end of two full semesters in residency:

If class size is equal to or fewer than **299** students, those students in the top six percent (**6%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **300–399** (inclusive) students, those students in the top five percent (**5%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **400–499** (inclusive) students, those students in the top four (**4%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **500–599** (inclusive) students, those students in the top three percent (**3%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **600–699** (inclusive) students, those students in the top two percent (**2%**) of the first-year class as a whole will be extended invitations to candidacy.

The number of invited students shall be calculated by the Registrar's Office and is done by multiplying the section sizes and the class size by the assigned percentage.

(b) Invitations must be accepted in writing and received by Editor-in-Chief and the Director of Programs within a specified number of days after receipt of formal notice. The absence of an acceptance as herein prescribed will be considered an irrevocable declination unless good cause is shown for failure to so respond.

Section 2. *Modifications in Response to Crises.*

(a) Definition. For the purposes of this Section, a crisis that concerns the *Law Review* shall be one that results in the rising second-year class as a whole—which would have, under normal circumstances, been eligible to receive an invitation to membership on the *Law Review*—receives less than two full semesters of letter grades.

(b) Procedure. The Editor-in-Chief, Senior Writing Editor, and Director of Programs must meet following the announcement by the Law School's administration that makes it impossible for rising second-year students to receive two full semesters of letter grades and decide whether an

emergency Executive Board Meeting needs to be held to determine whether the *Law Review* is to modify its grade-on eligibility outlined in Article IX, § 1 of these Bylaws. If a meeting is required, the Editor-in-Chief shall call a meeting of the Executive Board-elect with no less than three (3) days' notice.

Upon a majority vote of the Executive Board approving a reasonable modification to Article IX, Section 1 in response to a crisis, the Editor-in-Chief and the Senior Writing Editor shall inform the student body of the *Law Review*'s decision within five (5) days of the vote. The decision reached by the Executive Board may not be overturned except by a majority vote of the Executive Board after reconvening to discuss the issue further.

(c) Nothing in this Section shall be construed to mean that any modification made in response to a crisis year shall apply or extend to any other circumstance.

Section 3. *Invitations to Membership Based on the Writing Competition.*

(a) First-year students with a minimum GPA of 3.55 after spring grades are released, and second-year students with a minimum GPA of 3.67 are eligible to do the writing competition.

(b) The competition will be based solely on a writing assignment, the exact nature and conduct of which will be determined by the Senior Writing Editor.

(c) The *Law Review* will make reasonable accommodations for special consideration of students with disabilities who submit a formal request. The assistance conferred by "special consideration" is limited to deadline extensions and the mechanics of the Writing Competition itself and will not affect the evaluation of potential candidates. Additionally, the final deadline extended for students given special consideration due to disabilities shall not extend beyond 24 hours preceding Orientation for new *Law Review* editors. The Senior Writing Editor, in consultation with the Editor-in-Chief, reserves the right to define "reasonable accommodations" as circumstances dictate.

(d) The completed assignment will be evaluated by at least three persons designated by the Senior Writing Editor and the Editor-in-Chief. The Editor-in-Chief and the Senior Writing Editor will then issue invitations to candidacy to persons submitting the best work, as selected by the evaluators.

(e) The maximum number of persons so invited shall not exceed: (1) five (5) percent of the first-year class determined as of the beginning of the entrants' second year, and (2) fifteen (15) candidates from the second-year class. The *Law Review* reserves the right not to accept candidates from the Writing Competition unless the papers meet the *Law Review* standards set by the Senior Writing Editor in concurrence with the Executive Board.

(f) The *Law Review* will grade the assignment on an anonymous basis. Each competitor will be assigned a number (to be placed on all work) by the Director of Programs or some other party who is not an editor of the *Law Review*. At the conclusion of the competition, the Senior Writing Editor and the Editor-in-Chief will present the number of each successful candidate to the Director of

Programs (or such party) and the Director of Programs (or such party) will then match the numbers selected with the names and inform the Editor-in-Chief and the Senior Writing Editor of the names of the successful competitors.

(g) Junior Staff Editors selected through this Writing Competition will begin their membership immediately. There shall be no distinction between the membership of a student selected as a result of the competition and the membership of a student selected on the basis of grades.

(h) Administration of this Writing Competition shall be vested in the Executive Board.

(i) The Executive Board will hold whatever orientation meetings with the competitors it feels are necessary for the proper administration of this program.

(j) Participation in this program shall be considered an academic activity of the Law School. Any competitor adjudged by the Executive Board to have materially violated the rules of the competition shall be dismissed from the competition. The Editor-in-Chief shall only then have the power to report violators to the Law School Honor Council for disciplinary action with regard to possible violations of the Honor Code.

(k) Any Staff Editor or Junior Staff Editor of the *Law Review* found to be knowingly giving aid to any competitor or otherwise materially violating the rules of the competition shall be subject to disciplinary action pursuant to Article VII; Article VIII, and Article IX, § 8 of these Bylaws and may also be reported to the School of Law Honor Council with regard to possible violations of the Honor Code; however, the final determination as to the violation of writing competition Rules or Bylaws of the *Law Review* shall be made by the Executive Board.

(l) Nothing in this section denies the Executive Board the ability to modify any provision involving invitations to membership based on this Writing Competition during or following a crisis, as outlined in Article IX, § 2(a) of these Bylaws. Any and all modifications to this Section must be made with and by a majority vote of the Executive Board and must be communicated to the student body within five (5) days of the vote.

Section 4. *Conditionally Admitted Students*. Students who transfer to the University of Miami School of Law from other law schools accredited by the American Association of Law Schools (a “former school”) and have been granted conditional admitted status will be eligible to participate in the Writing Competition or membership on the *Law Review* as follows:

(a) Students transferring after the completion of two full-time semesters (or the equivalent thereof) from law schools that have reviews where invitations for law-review membership are not extended until the end of the second semeste will be extended an invitation to participate in the Writing Competition if their grade point average at the end of two semesters placed them in the top 25% of their class or section, whichever applies at their former school.

(b) Students transferring after the completion of two academic years (or the equivalent thereof) will be extended an invitation to participate in the writing competition if their grade point average at the end of two academic years placed them in the top 25% of their class at their former school.

Section 5. *Duties of Junior Staff Editors.* See Chapter I, § 6(a) for obligations of Junior Staff Editors. All of the obligations outlined in Chapter I, § 6(a) are subject to exception only with the express consent of the Editor-in-Chief.

Any Junior Staff Editor who does not successfully complete an assignment or requirement under this Section shall be subject to disciplinary action as set forth under Article IV, § 9 of these Bylaws. Nothing in this section shall be construed in any way to limit the power of the Editor-in-Chief to assign work to any editor of the *Law Review*.

Section 6. *Term.* Each Junior Staff Editor shall serve as a Junior Staff Editor for at least two full semesters. All assigned work must be completed to the satisfaction of the Executive Board. If a Junior Staff Editor participates in an out-of-town externship or otherwise cannot complete the required two semesters of service, the Junior Staff Editor must complete all Junior Staff Editor requirements upon his or her return. Such an arrangement must be approved in advance by a majority of the Executive Board. To fulfill the writing requirement (Article IV, § 6(b)), a Junior Staff Editor's article must be of such quality that it would be acceptable for publication, but this requirement shall not be interpreted to mean that the writing must be accepted for publication or have been published.

Section 7. *Elevation to Staff Editor.* At the earliest possible time following a Junior Staff Editor's completion of all of his or her duties and serving the minimum term, by a majority vote of the Executive Board, shall recommend the elevation of the Junior Staff Editor to Staff Editor. At a meeting called for that purpose, all *Law Review* editors shall vote on those Junior Staff Editors recommended by the Executive Board. A majority shall be necessary to elevate a Junior Staff Editor to a Staff Editor.

Section 8. *Elimination of Junior Staff Editors.* Failure of any Junior Staff Editor to be selected for Staff Editor status after two full semesters as a Junior Staff Editor due to incompleteness of requirements shall not preclude him or her from possible Staff Editor status, and his or her name may be submitted to the Executive Board for consideration at any time after he or she has completed whatever additional assignments may be required of him or her. A Junior Staff Editor, however, may be dropped from the rolls for repeated failure to meet deadlines, or for any other sufficient cause, by the Editor-in-Chief with the concurrence of a majority of the Executive Board, following reasonable notice of the charges, a hearing before the Executive Board, the opportunity to present witnesses and cross-examine opposing witnesses, and any other procedural protections required to guarantee procedural due process under the circumstances. A Junior Staff Editor so dropped may appeal his or her dismissal to the Editorial Board at the first general meeting of the *Law Review* following his or her dismissal, but not to exceed two weeks following his or her dismissal and may be reinstated by a two-thirds vote of the Editorial Board.

Section 9. *Changes in Eligibility Requirements.* The qualifications of a Junior Staff Editor to become eligible for elevation to a Staff Editor shall not be made more stringent for any individual than those in effect at the time the individual first became a Junior Staff Editor of the *Law Review*.

Section 10. *Voting Privilege.* Junior Staff Editors shall have full-voting status, equivalent to a Staff Editor's voting status, upon their participation on the *Law Review* following a period in which the *Law Review* is in active operation for four weeks. This power to vote shall not give Junior Staff Editors the right to vote themselves or other Junior Staff Editors to Staff Editor status.

ARTICLE X. AMENDMENTS

The Bylaws shall be subject to amendment by a two-thirds vote of those members present at a *Law Review* meeting provided that the intended amendment has been presented to the Editorial Board via email at least one week before the general membership votes on the proposed amendment. The amendment must be posted in the *Law Review* office for at least one week before a vote of the general membership, unless crisis circumstances prevent access to the *Law Review* office. For the purpose of this section absentee ballots shall be permitted only if:

- (1) notice of the meeting is emailed and posted for at least one week before the meeting,
- (2) the Editorial Board member has a reasonable excuse for missing the meeting as determined by the Executive Board before the commencement of the meeting, and
- (3) the absentee ballot is in writing and specifies how the Editorial Board member wishes to vote on each matter to be raised which the member wishes to vote upon.

Nothing in this provision bars the *Law Review* from passing amendments to the Bylaws during the summer between volumes.

ARTICLE XI. INTERPRETATION

Section 1. *Parliamentary Authority.* Except where these Bylaws are contrary, "Robert's Rules of Order, Revised" shall be the parliamentary authority. Where provisions of the Bylaws are deemed ambiguous, see Article XI, §§ 2–3.

Section 2. *Ambiguity.* Ambiguities found in these Bylaws shall be subject to the interpretation of the Editor-in-Chief as to meaning unless deemed otherwise by a two-thirds vote of the members present at either an Editorial Board or Executive Board meeting. Provided, however, that any interpretation of the Executive Board may be overruled by a two-thirds vote of the Editorial Board.

Section 3. *Ambiguity Procedure.*

- (1) The Editor-in-Chief or the Executive Board (by a majority vote) may declare an ambiguity in the Bylaws. The ambiguity must be defined in writing as to his or her interpretation.
- (2) The Editorial Board or Executive Board, by two-thirds vote, may overrule this determination, and declare the section unambiguous. Should this occur, the interpretation of the Editor-in-Chief shall become effective for the duration of the current semester.

(3) During the pendency of this interpretation, the Bylaw Committee shall draft a proposed amendment reflecting the Editor-in-Chief's interpretation and present this proposed amendment as a resolution to all voting Staff Editors and Junior Staff Editors.

(4) This resolution shall be binding for the duration of the semester within which it is issued.

(5) The resolution shall be considered an amendment to the Bylaws and shall be voted on at the next regularly scheduled meeting. If the amendment fails, the Bylaw Committee shall meet to propose a bylaw that would clarify or eliminate the ambiguity.

Section 4. *Bylaw Committee.*

(1) A Bylaw Committee may be appointed by the Editor-in-Chief, but not later than September 15 of each year.

(2) This Committee shall consist of two (2) officers of the Executive Board, two (2) Staff Editors, and three (3) Junior Staff Editors. The Committee shall meet as needed throughout the year, and, minimally, shall present a report on any proposed changes at the next general meeting of the *Law Review*.

Section 5. *Voting.*

(1) Unless otherwise specified, voting on any issue is by majority vote.

(2) Unless otherwise specified, voting on any issue will be by all Staff Editors and Junior Staff Editors.

(3) Staff Editors-only voting will include only those Staff Editors of the *Law Review* who have completed all Junior Staff Editor requirements and have been elevated to Staff Editor status on the *Law Review*.

ARTICLE XII. RATIFICATION

All Bylaw revisions or amendments shall have a prospective application only and shall be effective in the semester immediately following ratification, unless the Bylaw itself specifies differently, in which case the revision shall take effect when specified.

ARTICLE XIII. MEETINGS

Section 1. The Executive Board shall meet regularly to discuss issues regarding administration and publication.

Section 2. The meeting agenda shall be determined by the Editor-in-Chief and distributed to all officers of the Executive Board at least twenty-four hours before the meeting. Items not listed on the agenda may be introduced as new business for discussion purposes only; no voting on new business shall occur.

Section 3. Any officer of the Executive Board may call for a meeting to vote on the new business. The meeting will occur either (a) upon unilateral decision by the Editor-in-Chief, or (b) with approval of a majority of those officers present.

Section 4. Absentee voting may be approved for an issue by the Editor-in-Chief. Such a decision must be included on the meeting agenda.

Section 5. Proxy voting may be approved for an issue by the Editor-in-Chief. Signed, written instruction must be delivered to the Editor-in-Chief before the call to order.

ARTICLE XIV. VOLUNTARY ACTIVITY FEES AND BUDGET

Section 1. *Voluntary Activity Fees.*

(a) The Editor-in-Chief and Program Director shall have the power to levy dues and promulgate any procedures required to collect such Voluntary Activity Fees.

(b) Any Staff Editor or Junior Staff Editor who is experiencing financial hardship and who wishes to arrange for an alternative payment plan shall apply to the Program Director by the date upon which the Voluntary Activity Fees must be paid.

(c) The Editor-in-Chief and Program Director shall make a good-faith effort to use the Voluntary Activity Fees funds in accordance with the budget.

(d) In the event that no budget has been provided to the Editorial Board, the Editor-in-Chief's power to levy the Voluntary Activity Fees shall be suspended until such budget has been drafted and voted on.

Section 2. *Budget.*

(a) As soon as practicable after the election of the incoming Executive Board, the Managing Editor-Elect shall draft a budget with the final approval of the Editor-in-Chief-Elect. This provisional budget shall be posted in the *Law Review* office no later than two weeks before the last day of classes in the spring semester unless circumstances do not allow for the posting.

(b) The Editor-in-Chief-Elect shall call a meeting of the Executive Board-Elect no later than one week before the last day of classes of the spring semester and the budget shall be submitted to the Executive Board-Elect for their final approval. This meeting shall be open to any editor and shall not be adjourned until a budget for the following year has been approved by two-thirds vote of the Executive Board-Elect present at the meeting.

(c) A copy of the budget shall be available upon request to any editor of the Editorial Board. Each Junior Staff Editor shall receive a copy of the budget at the Junior Staff Editor orientation meeting.

(d) The Program Director shall make regular reports to the Executive Board on the status of the budget.

(e) In the event of an extraordinary circumstance impacting the approved budget, the Editor-in-Chief may adjust the budget, which will be submitted to the Executive Board for their final approval after the Editorial Board has been given one week's notice of the proposed changes. This meeting shall be open to any editor and shall not be adjourned until an adjusted budget for the current year has been approved by two-thirds vote of the Executive Board present at the meeting.

ARTICLE XV. DIGITAL IDENTITY

The guiding principles of the *Law Review's* digital identity are academic excellence and full student control of any website, social media platform, or any other digital property officially affiliated with the *Law Review*. Therefore, the following rules shall apply to the *Law Review's* digital presence:

Section 1. The Executive Board shall maintain at least one institutional website for the *Law Review*.

Section 2. The *Law Review's* digital presence shall consist of any original student work or news deemed publishable by the Digital Editor, the Editor-in-Chief, or a majority of the Executive Board. All such information shall be produced, edited, and placed online by *Law Review* Staff Editors or Junior Staff Editors.

Section 3. All information published on the *Law Review's* digital properties shall comport with the *Law Review's* commitment to professionalism, integrity, academic excellence, and good writing.

Section 4. The *Law Review's* digital presence shall be fully managed and controlled by officers of the Executive Board. Specifically:

(a) The Executive Board shall maintain independent student control over its website, social media accounts, and any other digital properties purporting to be owned and operated by the *Law Review*. In particular, the Digital Editor shall oversee the day-to-day operations of these properties subject to the oversight of the Editor-in-Chief or a majority of the Executive Board.

(b) The *Law Review* shall not cede student control over its website, its social media accounts, or any other digital property referenced in this Article, to anyone who is not an officer of the Executive Board.

CHAPTER V: UNIVERSITY OF MIAMI LAW REVIEW STYLE GUIDE

General Style Rules:

When making punctuation, hyphenation, and other stylistic decisions, consult references in this order: (1) this style guide, (2) *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2020), (3) Bryan A. Garner, *The Redbook: A Manual on Legal Style* (4th ed. 2018); (4) Bryan A. Garner, *Garner's Dictionary of Legal Usage* (3rd ed. 2011); and (5) Bryan A. Garner, *Garner's Modern English Usage* (4th ed. 2016). Past issues of the *Law Review* are often a good way to determine the correct way to style something but note that the sources listed above supersede past issues.

Junior Staff Editors and Staff Editors should read and re-read *The Elements of Style* by William Strunk, Jr. & E.B. White. Additionally, Junior Staff Editors and Staff Editors are encouraged to examine the following books on style and usage: (1) Patricia T. O'Conner, *Woe is I* (4th ed. 2003); (2) Bill Walsh, *Lapsing Into a Comma* (2000); (3) Bill Walsh, *The Elephants of Style* (2004); and (4) Lynne Truss, *Eats, Shoots & Leaves* (reprint. 2006, 2003).

General Spelling & Capitalization Rules:

When checking the spelling and capitalization of words, consult references in this order: (1) this style guide, (2) *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2020), (3) Bryan A. Garner, *The Redbook: A Manual on Legal Style* (4th ed. 2018), (4) *Merriam-Webster's Collegiate Dictionary* (11th ed. 2014), and (5) *Webster's Third New International Dictionary, Unabridged* (1993). In matters of capitalization for words not included in this style sheet or in *The Bluebook*, if the dictionary says a word is "often cap" or "usually cap," then capitalize it. If "often not cap" or "usually not cap," then it's lowercase. Read each entry thoroughly—different rules may apply for different definitions.

Capitalization. Always check Rule 8 in *The Bluebook*. Words indicated as sometimes capped or often capped in *Merriam-Webster's* are capitalized. However, capitalization rules may differ based on the word's meaning: puritan (one who practices or preaches a purer moral code than what prevails) / Puritan (member of a sixteenth- and seventeenth-century Protestant group); gypsy (wanderer) / Gypsy (Ethnic group).

Meaning. Read the meaning carefully to ensure that the writer is using the correct word for what he or she intends: historic (important in history) / historical (relating to history); one-time (occurring once) / onetime (former); ensure (guarantee) / insure (to provide or obtain insurance on). Many of these easily confused words are also contained in a section of *Words into Type* ("Words Likely to be Misused or Confused") or as separate entries in books such as *The Careful Writer, A Dictionary of Modern American Usage*, and *Good Grammar & Word Usage*.

Check for homonyms: discreet (prudent, tactful) / discrete (distinct); vice (moral depravity) / vise (clamp); forgo (forsake) / forego (precede); mnemonic (assisting memorization) / pneumonic (relating to the lungs or pneumonia). Spell-check won't catch these, so read carefully!

If a dictionary has several variations on a word (geographic/geographical; toward/towards), use the first listing.

Abbreviations:

Check abbreviations in this order: (1) this style sheet, (2) *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2020), (3) Bryan A. Garner, *The Redbook: A Manual on Legal Style* (4th ed. 2018), and (4) *Merriam-Webster's Collegiate Dictionary* (11th ed. 2014).

Some commonly used abbreviations:

U.S. (adjective only)	Washington, D.C.
UK (noun and adjective)	L.A. (Los Angeles)
USSR (noun and adjective)	a.m. and p.m.
	a.d. and b.c.

Exception: No spaces between ampersands in abbreviations: R&R, R&B, AT&T.

Capitalization After a Colon:

If what follows a colon is a grammatically complete clause, capitalize the first letter. Example: It was obvious: The U.S. immigration landscape had change forever. We now know who will pay the price: employers and labor unions.

Commas:

- * Use serial/Oxford commas: red, white, and blue.
- * Use commas to separate independent clauses: Everyone present was startled by the news, and several senators who had been standing in the hall rushed into the room to hear the end of the announcement. He stood up, he walked out of the room, and he locked the door.
- * When possible, omit the comma in a second independent clause: Babs had gone to Naples with Guido, and when Baxter found out about it he flew into a rage.
- * Sometimes a comma is needed between two imperatives for readability: Don't dawdle and get there early.
- * Do not use a comma to separate parts of a compound predicate where both verbs have the same subject: He had accompanied Sanford on his first expedition and volunteered to remain alone at Port Royal.
- * No commas for one-word introductory adverbial phrases such as today and now (subject to readability). But use a comma for one-word introductory phrases that end in -ly: Usually, things run pretty smoothly.

* Do not use commas after two-word introductory adverbial phrases when the result reads smoothly: One day I will go there. Once, he had a plan to take over the world.

* Use a comma to separate proper names from other capped words or numbers: In 1987, Natasha flew home. In July, Hope had some difficulty.

* Insert a comma after the year in any full date: The child was born on January 24, 2019, to two wonderful parents.

Compounds:

When deciding whether to hyphenate compounds, consult references in this order: (1) this style guide, (2) *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2020), and (3) Bryan A. Garner, *The Redbook: A Manual on Legal Style* (4th ed. 2018).

1. Examples: an unheard-of proposal, a brand-new car, a well-known band, a well-trained athlete. But an athlete who is well trained.

2. Hyphenate adverb + participle combinations before a noun: a sweet-smelling flower, square-jawed man.

* If the adverb ends in -ly, the hyphen isn't necessary: equally effective cures. (Since some adjectives end in -ly, adjectives and adverbs in this construction must be carefully distinguished: an early-morning stroll, a scholarly-looking man [early and scholarly are adjectives].)

3. Hyphenate noun + noun (e.g., city-state governance) and adjective + noun (e.g., small-state senators) combinations before a noun.

4. Hyphenate *and* combinations before a noun: a silk-and-lace handkerchief.

5. For words not in dictionaries:

Hyphenate: adjectives preceded by well, ill, better, best, little. Example: best-laid plans, ill-prepared brief.

Do not hyphenate: adjectives preceded by most or least; proper names used as phrasal adjectives (the Monty Python school of comedy).

Dates:

See *The Bluebook*, T.10, for a list of the months' abbreviations.

Ellipses (See *The Redbook* §§ 1.46–.52):

The Bluebook and *The Redbook* control ellipses. Read Rule 5.3 of *The Bluebook* carefully. *The Bluebook* is cryptic; accordingly, it is helpful to also read the *Bluebook Primer*.

After a complete sentence: no space between the last letter of the sentence and the period; one space between each period. *Example:* harassment. . . . Being

In the middle of a sentence: one space on either side and one space between each period. *Example:* ‘sex stereotyping’ . . . [and] court

If a full paragraph or more is omitted: Here *The Bluebook* and *The Redbook* differ. Ask an Article & Comments Editor, Executive Editor, or the Editor-in-Chief, which is the preferred rendering. Consult the following:

- (1) *The Bluebook* Rule 5.1(a)(iii)
- (2) *The Redbook* § 1.47(b)

Use hard spaces! See the entry for hard spaces below.

Em-dashes (See *The Redbook* §§ 1.53–.55):

Insert an em dash through insert → symbol → special characters. Alternatively, in Windows, type in 2014 and then press Alt + X. Alternatively, consult the internet for the keyboard shortcut for hard spaces on your computer. There should be no space on either side. *Example:* “There is no comparable justification, however, for routinely searching any room other than that in which an arrest occurs—or, for that matter, for searching through all the desk drawers or other closed or concealed areas in that room itself.” *Chimel v. California*, 395 U.S. 752, 763 (1969).

En-dashes (See *The Redbook* §§ 1.56–60):

* An en dash means “to” and is inserted through insert → symbol → special characters. Alternatively, in Windows, type in 2013 and then press Alt + X. Alternatively, consult the internet for the keyboard shortcut for hard spaces on your computer. *Example:* a score of 10–2, fiscal year 2000–01., *id.* at 23–24.

* The en-dash is also used in place of a hyphen in a compound adjective when one of the elements of the adjective is an open compound (such as New York) or when two or more of the elements are hyphenated compounds:

- New York–London flight
- San Francisco–based author
- quasi-public–quasi-judicial body
- Cambrai–St.-Quentin direction
- Arts and Crafts–style furniture

Hard Spaces:

Hard spaces keep ellipsis dots (and anything else) together. *See The Redbook* §§ 1.48(a), 4.13. Use a nonbreaking ('hard') space to prevent the ellipsis dots from being separated by a line break. Use a hard space between the dots and also between the dots and also between the last quoted word and the punctuation if the quoted sentence continued in the original.

Making a hard space.

- (1) For non-Macintosh computers, press ctrl+shift+space.
- (2) For Macintosh computers, press option+space.
- (3) Consult the internet for the keyboard shortcut for hard spaces on your computer.

Five “*Id.*” Rule for Cases:

You can only use “*id.*” five times in a row. The sixth time you cite the source for which “*id.*” is being used, you **MUST** use that source’s short cite. This rule applies even if the “sixth” footnote is citing to a different page than the prior “fifth” footnote.

Infinitives:

“Although from about 1850 to 1925 many grammarians stated otherwise, it is now widely acknowledged that adverbs sometimes justifiably separate the *to* from the principal verb {they expect to more than double their income next year}.” *The Chicago Manual of Style* ¶ 5.106 (17th ed. 2017).

Generally, try to avoid split infinitives. However, if the adverb bears the emphasis in a phrase, leave the split infinitive alone. The two considerations are emphasis and sound.

For example, “it’s best to always get up early” has a meaning (it’s best to get in the habit of waking up early) different than “it’s always best to get up early” (in any given situation, getting up early is the best option).

Likewise, “to go boldly where no man has gone before” lacks the ring of “to boldly go where no man has gone before.”

Italicizing Latin Words:

Legal writers use a lot of Latin words and phrases. The issue often presents itself, whether a particular Latin word or phrase should be italicized. The resolution is quite simple, and *The Redbook* proves more helpful than *The Bluebook* on this issue (which is sometimes the case. Check *The Redbook!*).

(1) Rule 7 of *The Bluebook* states: “Italicize non-English words and phrases unless they have been incorporated into common English usage. Latin words and phrases that are often used in legal writing are considered to be in common English usage and should not be italicized.”

(2) But how do you know whether Latin words and phrases are considered to be “in common English usage”? *The Redbook* has the answer in § 3.3: “The surest guide for legal terms is *Black’s Law Dictionary*. Check it to see whether phrases such as *de novo*, *habeas corpus*, *in loco parentis*, and *nunc pro tunc* should be italicized (the first two aren’t; the last two are). The appearance of the dictionary’s headword—the main entry—will tell you.”

Numbers:

The Bluebook’s Rule 6.2(a) controls. Spell out numbers from zero to ninety-nine; use numerals for numbers over 100.

If a number has a decimal or decimal point, use numerals (1.33 or 1/3). The same goes for addresses (19 Spring Lane); dates (January 13, 2007); and decisional splits (a 5–4 decision). Also, use numerals to describe section or other subdivision numbers (§ 1441 of 28 U.S.C.).

Spell out numbers for ages (a ten-year-old). The same goes for money (ten dollars) and percentages (fifty-four percent), unless the paper repeatedly refers to percentages or dollars. If the paper repeatedly refers to percentages or dollars, use numerals (12% or \$55).

Notice that Rule 6.2(a)(iii) controls lists of numbers (a \$2225, \$20, and \$40 vase. *But he owes Bob, Josh, and Derek ten dollars, fifteen dollars, and eighty-eight dollars, respectively*).

Possessives:

* Use ‘s after singular words, even with words ending in s: Congress’s commerce power, Joe’s book, Justice Roberts’s decision, Los Angeles’s smog, Paris’s lights. After plural words ending in s, add only an apostrophe: the puppies’ tails, the Justices’ decision.

Punctuation:

Some examples of frequent mistakes and their corrections:

- “She told him so.” *Not* “She told him so”. Rule 5.1(b)(iv) of *The Bluebook* is instructive: “Always place commas and periods inside the quotation marks; place other punctuation marks inside the quotation marks only if they are part of the original text.”
- The Ninth Circuit Court of Appeals has held that “there is no constitutional mandate forbidding the use of deception in executing a valid arrest warrant.” *Or* The Ninth Circuit Court of Appeals has held, “[T]here is no constitutional mandate forbidding the use of deception in executing a valid arrest warrant.” *But not* The Ninth Circuit Court of Appeals has held that “[T]here is no constitutional mandate forbidding the use of deception in executing a valid arrest warrant.”

- Despite the court’s holding that deception is acceptable during execution of a “valid arrest warrant,” the agent *Not* Despite the court’s holding that deception is acceptable during execution of a “valid arrest warrant”, the agent *And not* Despite the court’s holding that deception is acceptable during execution of a “valid arrest warrant[,]” the agent

Quotation Marks:

Make sure that Microsoft Word is set to default to “smart quotes” (Tools → AutoCorrect Options → AutoFormat → Replace “straight quotes” with “smart quotes”). This means the quotation marks will be curved and not straight.

Example: “The question of how Title VII’s prohibition against discrimination ‘because of . . . sex’ applies to transsexuals is a complex one. Every federal court that has dealt directly with this issue has held that ‘Title VII does not prohibit “discrimination” based on an individual’s transsexualism.’”

Spaces:

Place one space between sentences.

- “Zed’s dead, baby.·Zed’s dead.” *Not* “Zed’s dead, baby.··Zed’s dead.”

Similarly, place one space between citations. Example: The court held that directors owe a duty of loyalty to shareholders.·Guth v. Loft, 5 A.2d 503 (Del. 1939).·Place one space between citations that are separated by semi-colons. Example: *Id.* ¶ 96,052, at 91,705;·*see also* U.S. CONST. art. I, § 8, cl. 10.

To make sure sentence spacing is uniform in the article you’re editing, use the find-and-replace function to replace all instances of two spacebars with one. Do this with track changes off.

Supra, Hereinafter & Infra:

Note that *supra* and *hereinafter* should not be used with cases, statutes, constitutions, legislative materials (other than hearings), restatements, model codes, or regulations, with some exceptions. *See The Bluebook*, R. 4.2 (noting that “hereinafter” is appropriate for *In re* Multidistrict Private Civil Treble Damage Antitrust Litig. Involving Motor Vehicle Air Pollution Control Equip., 52 F.R.D. 398 (C.D. Cal. 1970)). For short forms of cases, see Rule 10.9 of *The Bluebook*.

Titles of Books & Other Works:

Lowercase all articles, conjunctions (and, or, nor, but, for), and prepositions (in, on, off, to, with, etc.) that are four letters or fewer, unless they begin the heading or title, or immediately follow a colon. *See The Bluebook*, R. 8.

To determine what part of speech a word is, look up the word in the dictionary. Note that words may be used as different parts of speech (e.g., *out* can be used as an adverb, verb, preposition, adjective, or noun)—make sure you know how the word is being used so you can determine which part of speech it is and capitalize accordingly.

Exception: Prepositions that are an inseparable part of a verb should be capped: Going Out the Door, Wrapping Up the Party. Check verbs in dictionaries; many verbs appear with prepositions as separate entries.

* For rules on capitalization of hyphenated compounds in titles, see *The Redbook* § 2.10(c).