

# WISCONSIN INTERNATIONAL LAW JOURNAL



## Wisconsin International Law Journal

### Bylaws

Adopted March 25, 1987. Amended November 1, 2005; February 18, 2008; March 25, 2011; October 29, 2013; March 9, 2014; March 15, 2015; February 4, 2016; March 13, 2016; November 20, 2016; September 12, 2017; February 15, 2019; March 10, 2021.

### OVERVIEW

The Wisconsin International Law Journal (“the Journal”) is produced and published by second- and third- year law students attending the University of Wisconsin Law School. The Journal’s primary functions are to serve as a forum for the discussion and analysis of important issues in international law, to provide students with an invaluable opportunity to develop their research and writing skills through a student writing program, and to provide students with editorial and publishing experiences to refine their leadership skills and allow them to interact with a vital Law School Community.

The Journal was established in the summer of 1981, when members of the Wisconsin International Law Society approached the Law School faculty about publishing a scholarly journal which focused on international law. With the assistance of Dean Helstad, who approved academic credit for student work and allocate the necessary funds, the Journal officially got underway in the spring of 1982.

The first issue of The Proceedings was completed during the fall semester of the 1982-83 academic year. Twenty-one students were involved in preparing the issue in conjunction with the annual WIL International Law Symposium. In 1983, The Proceedings was retitled the Wisconsin International Law Journal.

From its inception through Volume 5, the Journal produced a one-issue volume that reflected the theme of the symposium. Starting with Volume 6, the Journal expanded to two issues, with one issue dedicated to the symposium. The Journal further expanded to three issues with Volume 14 and to four issues with Volume 23. Beginning with Volume 33, the Editor-inChief shall have the power to determine whether to publish either 3 or 4 issues based on funding and membership constraints.

The Journal publishes articles written by legal scholars and practicing attorneys, as well as casenotes and comments written by Journal's student members. The Journal has significantly

improved its professional and scholarly standards, and its reputation is increasingly recognized. LexisNexis, Westlaw, and Hein Online have been expanding their past coverage of the Journal, and reprints are increasingly requested by U.S. and foreign governments and international legal scholars and practitioners. In addition, the Journal has its own website which was updated and given a makeover in 2011. The website provides copies of recent articles, information about past issues and the symposium, links to other international issues, and a solicitation for articles.

## **I. Article I: Structure**

- A. The Journal shall consist of the Senior Board, Editorial Board, Staff, and Faculty Advisor.
- B. The Senior Board shall consist of the Editor-in-Chief, the Senior Note & Comment Editor, two Senior Articles Editors, three Senior Managing Editors, the Senior Program Editor, and the Senior Business Editor. In addition to their responsibilities on the Editorial Board, the Senior Board is responsible for managing the Journal's day-to-day operations.
- C. The Editorial Board shall consist of all Journal editors. The Editorial Board is responsible for publishing a high-quality Journal on a timely basis and determining the Journal's general policies, operations, and procedures.
- D. The Staff shall consist of all new members selected through the annual Student Writing Competition. The Staff shall consist primarily of second-year students with a limited number of third-year and/or transfer students. Students who are pursuing a dual degree must fulfill their 2L responsibilities the academic year immediately following the completion of the write-on. The Staff is responsible for submitting a casenote or comment to be judged for publication, publishing a high-quality Journal on a timely basis, and determining the Journal's general policies, operations, and procedures. A member who successfully serves two semesters *in good standing* in that position is eligible for a position on the following academic year's Editorial Board.
  - 1. *In good standing* means any member who has not missed more than 4 unexcused deadlines OR who failed to submit a complete final draft of the note. A member not in good standing is not eligible for a position on the following semester's Editorial Board. If any Senior Board member falls out of good standing after being elected to the Senior Board the member shall be removed and a special election shall be called to replace the member subject to Article III.
  - 2. Unexcused absence means: Giving less than 24-hour notice to the responsible e-board member of the missed deadline, except in the event of an emergency.
- E. The Editor-in-Chief or the entire Journal can create any committee to assist with the Journal's production, editing operation, or management. These committees should draw upon the diverse talents of its members. Committees created by the entire Journal must be approved by a majority vote of the Senior Board and must clearly define the committee's purpose and goals. These committees shall consist of volunteers and shall provide constant updates to the Editor-in-Chief and periodic updates to all Journal members.

- F. The Journal is subject to review by the Faculty Advisor. The Faculty Advisor is generally a faculty member with international law experience. The Faculty Advisor is available for consultation on all Journal matters and as a resource for the Staff.
- G. Nothing in these rules' bylaws shall supersede the University of Wisconsin's Law School Rules. If there is a discrepancy, the Law School Rules shall govern.

## **II. Article II: Job Descriptions, Powers, and Duties**

### **A. EDITORS**

#### **1. Editor-in-Chief**

- a. The Editor-in-Chief is ultimately responsible for the Journal's timely publication. All duties originate at the Editor-in-Chief level and the Editor-in-Chief allocates those duties among the Senior Board, the Editorial Board, and the Staff. The Editor-in-Chief participates in all policy, publication, and organization decisions and is the final arbiter of any disputes or disagreements among Journal members or groups, including all disciplinary actions. The Editor-in-Chief is the Journal's official representative to faculty advisors, the Dean, faculty committees, and all other law school organizations, and contact person for vendors, customers, indexers, and discretionary publishers.
- b. The Editor-in-Chief is specifically responsible for:
  - i. Calling and presiding at Journal and Senior Board meetings and preparing the agenda for meetings;
  - ii. Supervising work, deadlines, and organization, and ensuring efficiency within the editorial process;
  - iii. Maintaining WILJ files, office materials, and facilities; iv. Overseeing compliance with Law School rules and procedures; v. Supervising the Student Writing Competition (Write-on); vi. Supervising the Student Publication Programs;
  - vii. Supervising publication decisions of professional pieces in consultation with the Senior Articles Editor and overseeing the entire publishing process, including editing all articles substantively and stylistically – after receiving compiled edits from the Senior Articles Editor and Senior Managing Editor;
  - viii. Working to develop new subscriptions and funding sources as permitted by Law School rules, and to seek other promotional opportunities; ix. Continuously evaluating the Journal's structure to ensure efficiency and quality, including expansion of publication beyond a four-issue volume;
  - x. Maintaining regular contact with the Senior Board for the Journal's day-to-day operation;
  - xi. Overseeing the election of new Editors; xii. Supervising credit allocations for Staff and Editors; xiii. Exercising any and all powers necessary to operate the Journal.
- c. The Editor-in-Chief shall serve on the Student Publication Evaluation Committee. This committee shall read the top fifteen student-written articles and make the publication decisions as outlined in Article IV.

#### **2. Senior Note & Comment Editor**

- a. The Senior Note & Comment Editor is responsible for assisting the Staff in the Student Publication Program and overseeing the Student Writing Competition (Write-on).
- b. The Senior Note & Comment Editor shall also act as the Vice Editor-in-Chief and assist the Editor-in-Chief in the general operation of the Journal.
  - i. In the event the Editor-in-Chief is not able to fulfill his/her duties the Senior Note & Comment Editor shall be the acting Editor-in-Chief for the duration of the semester (See Article III Section A(3)).
- c. For the Student Publication Program, the Senior Note & Comment Editor is specifically responsible for:
  - i. Evaluating and overseeing the Journal application process through the Student Writing Competition as outlined in Article III, Section C(1) and selecting the new Staff members in conjunction with assistance from the other members of the Senior Board as needed;
  - ii. Assigning Note & Comment Editors to Staff Members; iii. Helping the Staff members in selecting note or comment topics by maintaining a guide that offers a list of topics written about in previous years by WILJ members, and assisting the writers with pre-emption checks;
  - iv. Developing and coordinating programs and workshops to strengthen the writing, editing, and teaching skills of the Note & Comment Editors;
  - v. Developing and coordinating programs and workshops to strengthen and broaden the research and writing skills of the new writers;
  - vi. Supervising the work of the Note & Comment Editors;
  - vii. Ensuring that no article passes to the Student Publication Evaluation Committee that has not received a thorough substantive and stylistic edit by the Note & Comment Staff;
  - viii. Implementing deadline policies, including sanctions and grading standards, in consultation with the Senior Managing Editors and Editor-in-Chief; and
  - ix. Attending Journal and Senior Board meetings unless prior notice of absence is given to the Editor-in-Chief.
- d. By the time the Staff is selected, the Senior Note & Comment Editor shall have prepared for distribution to the Staff:
  - i. A comprehensive and detailed schedule of deadlines and required material for the entire writing program;
  - ii. A comprehensive list of article, note, and comment topics from previous editions of the Journal; and
  - iii. A comprehensive and coherent packet detailing where to find international and foreign law sources, how to narrow a topic to an acceptable scope for a publishable article, and how to perform a pre-emption check.
- e. The Senior Note & Comment Editor should have some background in, and keep informed of, current international legal and political affairs. The Senior Note & Comment Editor should also be proficient in the use of LexisNexis, Westlaw, and other online research tools.

- f. The Senior Note & Comment Editor shall serve on the Student Publication Evaluation Committee. This committee shall read the top fifteen student-written articles and make the publication decisions as outlined in Article IV.
- 3. Senior Articles Editors
  - a. The Senior Articles Editors are responsible for soliciting manuscripts for publication, editing manuscripts, supervising the Articles Editors, evaluating all incoming manuscripts for publication, and electing new editors.
  - b. The Senior Articles Editors are specifically responsible for:
    - i. Soliciting professional manuscripts and maintaining contact with all professional writers as to all details regarding their manuscripts;
    - ii. Conduct preemption checks of all professional pieces submitted for possible publication;
    - iii. Making professional publication decisions with the advice and consent of the Articles Editors and final approval from the Editor-in-Chief;
    - iv. Obtaining and filing agreements on all published articles;
    - v. Ensuring that professional writers are given a proposed deadline schedule at the time they commit to writing for the Journal and that the professional writers are informed that their failure to comply with the schedule may result in the rejection of their article;
    - vi. Supervising and assigning work to the Articles Editors and Associate Article Editor(s), including editing of accepted articles and reading of submissions;
    - vii. Editing all articles substantively and stylistically, including compiling the initial edits of the Article Editors and working with the authors on subsequent drafts, before the manuscript is passed to the Senior Managing Editors;
    - viii. Assisting the Editor-in-Chief with the final edits before the manuscript is sent to the author for consideration and approval of the changes; and
    - ix. Attending all Journal and Senior Board meetings unless prior notice of absence is given to the Editor-in-Chief.
  - c. The Senior Articles Editors shall serve on the Student Publication Evaluation Committee. This committee shall read the top fifteen student-written articles and make the publication decisions as outlined in Article IV.
- 4. Senior Managing Editors
  - a. The Senior Managing Editors (“SMEs”) are responsible for ensuring that all citations are in publishable form. They shall supervise and coordinate all the mechanical aspects of the production work.
  - b. The Senior Managing Editors are specifically responsible for:
    - i. Planning and supervising the citation checking process, including assigning citation checking to Staff members;
    - ii. Supervising and assigning work to the Managing Editors and Associate Managing Editors; and
    - iii. Attending all Journal and Senior Board meetings unless prior notice of absence is given to the Editor-in-Chief.
  - c. Lead SME: After the three SMEs are elected and before their term begins, the elected SMEs shall choose one of themselves to designate as the “Lead” SME for the duration of their term. The Lead SME is responsible for acting as the primary source for communication between the Editor-in-Chief and the SMEs,

for organizing and calling SME meetings, and for leading the process of distributing work among Managing Editors and staffers.

- d. The Senior Managing Editors shall serve on the Student Publication Evaluation Committee. This Committee shall read the top fifteen student-written articles and make the publication decisions as outlined in Article IV.
- 5. Senior Program Editor
  - a. The Senior Program Editor is responsible for overseeing events or activities that generate new content for the Journal.
  - b. For these events and activities, the Senior Program Editor is specifically responsible for:
    - i. Proposing a topic focusing on an emerging issue in international law;
    - ii. Inviting international scholars and practitioners to participate, with the advice and consent of the Editor-in-Chief;
    - iii. Assuring that each event or activity culminates in the submission of one or more articles, essays, or other appropriate documents for publication;
    - iv. Securing the necessary funding for holding each event or activity; v. Overseeing all logistics of each event or activity; and vi. Creating a CLE component to each event or activity, if reasonably possible.
  - c. The Senior Program Editor shall generate content for the Journal's online companion *Jus Gentium*.
    - i. "Generate content" means soliciting essays, reviewing submissions, and choosing essays for publication, in conjunction with the Editor-in-Chief.
    - ii. Submissions shall be 500-2,000 words including footnotes. It is the Senior Program Editor's discretion to extend this range if necessary, on a case-by-case basis.
    - iii. The Senior Program Editor shall edit *Jus Gentium* essays, including all footnotes.
    - iv. Final *Jus Gentium* essays shall be reviewed by the Editor-in-Chief prior to publication.
  - d. The Senior Program Editor shall attend all Journal and Senior Board meetings unless prior notice of absence is given to the Editor-in Chief.
  - e. The Senior Program Editor shall serve on the Student Publication Evaluation committee. This committee shall read the top fifteen student-written articles and make the publication decisions as outlined in Article IV.
- 6. Senior Business Editor
  - a. The Senior Business Editor is responsible for overseeing the Journal's website and maintaining the institutional knowledge of the Journal.
  - b. The Senior Business Editor is specifically responsible for:
    - i. Maintaining the Journal's website; ii. Updating the website to post the most recently published articles; iii. Working with the Senior Program Editor to promote the Symposium or other program(s);
    - iv. Working with the Editor-in-Chief to develop exclusive online content;
    - v. Locating content from other sources and seeking ways to update and improve the website;

- vi. Supervising and assigning work to the Associate Business Editor; vii. Maintaining a comprehensive online or printed document that outlines the Journal's history and institutional memory; viii. Planning and carrying out at least 1 social and/or fundraising event for the Journal each semester; ix. Planning and carrying out the Spring reception/banquet;
  - x. Advertising events to WILJ staffers and/or the law school population as applicable.
  - c. The Senior Business Editor shall serve on the Student Publication Evaluation Committee. This committee shall read the top fifteen student-written articles and make the publication decisions as outlined in Article IV.
7. Articles Editors
- a. Articles Editors are responsible for reading and editing all professional pieces selected for publication and participating in publication decisions regarding those pieces.
  - b. Articles Editors are specifically responsible for:
    - i. Substantively and stylistically editing all professional articles selected for publication assigned by the Senior Articles Editors;
    - ii. Assisting the Senior Articles Editor in solicitation of professional articles; iii. Attending all Journal meetings unless prior notice of absence is given to the Editor-in-Chief.
8. Managing Editors
- a. Managing Editors are responsible for ensuring the near-perfect form of all citations in articles published by the Journal.
  - b. Managing Editors are specifically responsible for:
    - i. Supervising and reviewing editing and citation checking performed by the Staff; ii. Attending all Journal meetings unless prior notice of absence is given to the Editor-in-Chief.
9. Note & Comment Editors
- a. Note & Comment Editors are responsible for supervising and working with the Staff to develop the skills necessary for scholarly research and writing.
  - b. Note & Comment Editors are specifically responsible for:
    - i. Meeting frequently with their student writers to develop a topic, thesis, outline, rough draft, etc. of a note or comment;
    - ii. Participating in programs and workshops to develop their own writing, editing, and teaching skills;
    - iii. Editing all drafts of Staff manuscripts;
    - iv. Performing thorough stylistic and substantive editing of Staff manuscripts before submission for publication;
    - v. Evaluating the student pieces submitted for the Student Writing Competition and selecting the new staff writers in conjunction with the Senior Note & Comment Editor and Editor-in-Chief; vi. Assisting the Senior Note & Comment Editor with the Student Publication Program in conducting the writing competition; and vii. Attending all Journal meetings unless prior notice of absence is given to the Editor-in-Chief.

10. Associate Editors

- a. Associate Editors are responsible for assisting the Editor-in-Chief and Senior Members by carrying out duties specifically delegated by the Editor-in-Chief.
- b. The Editor-in-Chief may designate specific Associate Editors to serve as Associate Articles Editors, Associate Managing Editors, or any other Associate position to aid the Senior Board.

11. Temporary Editorial Positions

- a. The Editor-in-Chief may propose, and the Journal may approve and elect, a temporary editorial position for a period of one year. If the position proves to be beneficial to the Journal, the Journal may amend these Bylaws to make the position permanent.

B. STAFF

1. The Staff are responsible for writing and submitting a casenote or comment for publication and completing cite checking tasks.
2. Each Staff member is specifically responsible for:
  - a. Writing and submitting a casenote or comment for publication;
  - b. Completing cite checking assignments;
  - c. Complying with all deadlines as set by the Editor-in-Chief; and
  - d. Attending all Journal meetings unless prior notice of absence is given to the

Editor-in-Chief;

- e. Attending the Journal's annual Program, as required, unless prior notice of absence is given to the Editor-in-Chief.
3. A staff member who writes only a note, but fails to complete cite checking or a staff member who completes the cite checking, but fails to write a note, will receive zero credits for the semester, except upon petition to the Editor-in-Chief, reviewable by the faculty advisor. Otherwise, the two responsibilities of cite checking and note writing are indivisible.

**III. Article III: Selection of Senior Board and Staff**

A. SENIOR BOARD

1. Spring Elections

a. Eligibility

- i. Any Staff member can run for any editorial positions if the member has successfully completed all required Journal responsibilities, is *in good standing* (as defined in Article I(D)(1)), and will be in residence at the University of Wisconsin Law School for all of the next academic year.
- ii. Staff members studying abroad during the Spring semester can run for an editorial position by proxy.

b. Announcement

- i. Prior to February 15 of each year, the Editor-in-Chief shall announce the Spring Elections to fill all editorial positions for the following academic year and distribute job descriptions for each editorial position to all eligible Staff members.
  - ii. The Spring Elections shall take place the first weekend in March but may be scheduled one week earlier or later if necessary.
- c. Declaring Candidacy and Campaigning
  - i. Eligible Staff members shall declare their candidacy by submitting a position paper and resume not less than two days prior to the scheduled election.
    - (a) A position paper should include, but is not limited to, the member's qualifications, interests, goals, any known time commitments for the following year, and any specific question prompts by the current Senior Board.
  - ii. Candidates may run for multiple editorial positions and may submit position papers for each position.
  - iii. Candidates may file a position paper of not more than 750 words for each position(s) for which they are running.
    - (a) The Editor-in-Chief has the discretion to adjust the deadlines to fulfill the administrative needs of the Journal.
      - 1. Responses to questions prompts (if any) shall not count towards the 750-word limit.
    - iv. The Editor-in-Chief or Senior Note & Comment Editor will distribute all received position papers to all Journal members as soon after the two-day deadline as is feasible.
      - (a) After the Editor-in-Chief or Senior Note & Comment Editor distributes all received position papers to all Journal members, candidates are free to contact and solicit Journal members for their votes. Once a member declares his or her candidacy, no candidate, or other member on behalf of a candidate, may provide any other member with an item with pecuniary value or more than one dollar (\$1) for the purpose of influencing the member's vote.
  - v. In the event that there are Senior Editorial positions without a declared candidate two days before the election, the Editor-in-Chief shall allow Staff Members to declare their candidacy on the day of the election.
- d. Election
  - i. The Editor-in-Chief shall conduct all facets of the election, including discretion to change the election order.
  - ii. The Election order shall be:
    - (a) Editor-in-Chief
    - (b) Senior Note & Comment Editor
    - (c) Senior Articles Editors
    - (d) Senior Managing Editors
    - (e) Senior Program Editor
    - (f) Senior Business Editor
  - iii. The Editor-in-Chief shall randomly select the order of candidate presentations.
  - iv. Each candidate will be given three minutes to make a short presentation as to that candidate's qualifications, interests, and goals.

v. After the candidate's presentation, five minutes will be allotted to Journal members to question the candidate. The Editor-in-Chief may grant more time for questions at his/her discretion. vi. After the allotted time for questions, the candidate shall leave the room so the Editorial Board may discuss the candidate's qualifications.

(a) Senior Board members shall not endorse candidates for election. All questions about a candidate's qualifications by the Journal membership shall be directed to the Editor-in-Chief. The Editor-in-Chief shall be limited to objective answers to objective questions posed by Journal members. The Editor-in-Chief may defer to Senior Board members to answer questions about candidates. Senior Board members are subject to the same restrictions on answering questions as the Editor-in-Chief. Examples of objective questions are questions concerning deadlines met, attendance record, etc.

(b) Senior Board members and Editors with direct supervisory relationships to candidates are allowed to provide subjective answers to questions posed by the Journal membership.

vii. After all presentations, the election shall be conducted in accordance with the following provisions:

(a) A quorum of one-half of all the Journal members is required for each election.

(b) All Journal members present at the election meeting are eligible to vote for each position.

(c) Proxy voting will be allowed in exceptional cases and must have clear instructions.

1. Proxy voting is to be allowed at the sole discretion of the Editor-in-Chief.

(d) All elections shall be by secret ballot.

(e) The candidate who receives the most votes shall be elected to that position, and the Editor-in-Chief will follow the same procedures for the next position, if any.

(f) Any candidate elected while studying abroad shall assume all of the position's responsibilities immediately upon returning to the United States.

viii. If a Senior Editorial position is uncontested on the day of the election the Journal membership shall have the option to vote to open to the position to nominations on the floor or keep the nomination process closed before the candidate presentation. If more than half of the Journal membership present votes to open the floor to nominations, then the position will be treated as open, and the Editor-in-Chief shall allow all eligible Journal membership to declare their candidacy from the floor. The election shall then proceed in accordance with Article III of the Bylaws. If the membership votes to keep the floor closed, then the candidate shall be considered elected to the board.

## 1. Transition

- a. To aid in the continuity of the Journal and to facilitate the transition to the new Editorial Board, each outgoing Senior Board member shall prepare an annual report to be presented to the corresponding incoming Senior Board member no later than 14 days after the Election. The annual report shall contain the current status of all responsibilities of the outgoing Senior Board member's editorial position, an overview of the accomplishments made by the outgoing Senior Board member during the year, any problems encountered in carrying out the duties of the position and the solution(s) implemented, any suggestions for the incoming Senior Board editor regarding the execution of the position, and any other pertinent information that will be necessary for the incoming Senior Board member.
  - b. The outgoing Senior Board members shall remain available until the end of the Spring semester to assist the incoming Senior Board members. After the Spring Elections, outgoing Senior Board members shall retain their enumerated powers through graduation only with regard to publication, staffing, disciplinary, and operation decisions relevant to that academic year. Incoming Senior Board members shall assume all powers enumerated in these Bylaws and not retained by the outgoing Senior Board members immediately upon election.
    - i. The outgoing Editor-in-Chief shall hold a transition meeting with the incoming and outgoing Senior Editorial Boards, to take place within 2 weeks of the date of the Election.
  - c. The final authority on all Journal decisions/power shall transition to the incoming Senior Board members no later than the last week of April (with the formal date being set by the outgoing former Editor-in-Chief).
2. Editor-in-Chief Vacancy
    - a. If an Editor-in-Chief leaves or is removed from the position, then the Senior Note & Comment Editor shall immediately assume the role of Acting Editor-in-Chief.
    - b. The Senior Note & Comment Editor shall hold this position until the end of the semester and a special election shall be held to fill the position for the following semester.
      - i. If the Editor-in-Chief leaves during the Spring semester no special election will be held. The Senior Note & Comment Editor will act as the Acting Editor-in-Chief until the end of the academic year and the regularly scheduled Spring Elections will fill the vacancy for the following year.
    - c. Any interested members shall have five days to nominate himself or herself for the positions
      - i. A candidate may write a position paper.
      - ii. The Editor-in-Chief shall distribute all received position papers one day prior to the special election.
    - d. The election will follow the procedure in Article III(A)(1)(d).
  3. A non-Senior Board editor's request to be shifted to a different editorial position is to be granted at the sole discretion of the Editor-in-Chief.
  4. The Editor-in-Chief has the sole discretion to appoint a non-Journal member in a non-Senior Board editorial position for a limited period for the Journal's benefit.

## B. EDITORS

1. At the Election, the Editor-in-Chief will collect from all Staff members each member's preferences for an Editorial Team position.
2. Within one month following the Spring Election, the outgoing Senior Board and the incoming Senior Board shall meet jointly to assign Staff members to an Editorial team making every effort to place members on their preferred Editorial teams.
3. Only Staff members *in good standing* (as defined in Article I(D)(1)) are eligible to return to the Journal as an editor during their third year.
4. A Staff member who is not *in good standing* (as defined in Article I(D)(1)) may petition the incoming Senior Board for a position as an Editor on the Journal. a. The petition process is as follows:
  - i. The Staff member shall submit a written petition to the incoming Senior Board to explain why they should be offered an Editorial position in light of their poor performance as a staffer.
  - ii. The Outgoing Senior Board will advise the incoming Senior Board on the Staffer's petition. iii. The petition shall be decided by a majority vote of the incoming Senior Board.

## C. STAFF

### 1. Student Writing Competition

- a. The Student Writing Competition shall be organized and conducted by the incoming Senior Note & Comment Editor
- b. Eligibility
  - i. Any first-year, second-year, or transfer student enrolled in the Law School may apply for membership on the Journal provided they are able to fulfill the duties of Staff Membership. ii. Individuals must be present on campus during the Fall Semester to qualify for credit unless studying abroad. iii. The Journal may offer membership to a first-year student who intends to study abroad during any subsequent year provided the individual agrees to:
    - (a) Follow a writing schedule as determined by the Senior Note & Comment Editor while abroad; and
    - (b) Follow all other Journal requirements when not studying abroad.
  - iv. In order to participate in a Write-On Process, students must be enrolled at the UW Law School when the Write-On Process begins.
  - v. To participate in a Write-On Process, students must be able to fulfill the terms of the *Wisconsin International Law Journal's* commitment policy or policies, as drafted by the Editor-in-Chief and Senior Note & Comment Editor and communicated to or made available to potential Write-On Process Participants at least fourteen days prior to the start of the Write-On Process.
  - vi. Law students (Full-Time, Part-Time, LL.M., S.J.D.) may participate in the Spring Write-On Process only, except Transfer J.D. students may participate in the Fall Write-On Process held during their first semester at the UW Law School or a subsequent Spring Write-On Process.
  - vii. Students may only participate in one Write-On Process. A student will be deemed to have participated in a Write-On Process if the student receives access to the materials provided for that Write-On Process. viii. To comply

with Law School Rules 3.01 and 3.02, only J.D. students who will complete the “First-Year Program” prior to the first semester in which they will enroll as members of the Wisconsin International Law Journal may participate in a Write-On Process. For the Spring Write-On Process, J.D. students will first enroll as members of the Wisconsin International Law Journal the following Fall semester. For the Fall Write-On Process, J.D.

students will first enroll as members of the Wisconsin International Law Journal the same semester in which the Fall Write-On Process is held. J.D. students who will not satisfy this requirement must secure the permission of the Director of Student Life before participating in a Write-On Process.

- ix. To comply with Law School Rules 10.01 and 10.02, S.J.D. and LL.M. students may only participate in a Write-On Process with the consent of their principal academic adviser and the chair of the Graduate Programs Committee.

d. Notice of Student Writing Competition

- i. The Senior Note & Comment Editor shall place all requests for submissions in the appropriate law school announcements, in every first-year student’s hangfile, and on the Journal’s bulletin board and door.
- ii. The Senior Note & Comment Editor shall hold no less than two information meetings for interested students and notice for these meetings shall be placed in the law school’s announcements and on the Journal’s board and door.
- iii. The Senior Note & Comment Editor will attend any other relevant law school sponsored informational meetings or assure that another Senior Board member will attend.

e. Acceptance Numbers

- i. The newly elected Senior Board will select a range for accepted first-year, second-year, and transfer students based on the needs of the Journal.

f. Selection Decisions and Criteria

- i. The Senior Note & Comment Editor will assign the appropriate number of submissions to each non-Senior Board staff member. ii. Each staff member shall be given a detailed evaluation form for scoring each submission. iii. Each staff member shall turn in evaluation forms to the Senior Note & Comment Editor for each submission after reading the assigned submissions.
- iv. The Senior Note & Comment Editor shall tally and review the scores after receiving all evaluation forms.
- v. The Senior Note & Comment Editor shall submit to the Editor-in-Chief a list of candidates recommended for acceptance. vi. The Editor-in-Chief shall offer acceptance to applicants based on the recommendations of the Note & Comment Editors and the Senior Note & Comment Editor by August 1.
- vii. Any individual may be placed on a waiting list. viii. If the total number of acceptance responses is below the range given by the Senior Board, the Editor-in-Chief may offer membership to waitlisted individuals.

2. Temporary Staff membership

- a. The Editor-in-Chief, in consultation with the Journal's Senior Board, Editorial Board, and Staff, may extend temporary staff membership to visiting second-year students if:
  - i. Such students have been displaced from their law schools by conditions not of their own making; and
  - ii. Such students are current members, in good standing, of a reputable law journal at their schools.

#### **IV. Article IV: Editorial and Publication Process**

##### **A. STUDENT PUBLICATION PROGRAM**

###### **1. Process**

- a. A Note & Comment Editor shall be assigned to each staff member and will supervise the staff member's written work until the piece is submitted for publication. The Senior Note & Comment Editor shall, in consultation with the Editor-in-Chief and Senior Managing Editors, set the deadlines for the following:
  - i. Topic selection; ii. Article outline;
  - iii. Submission of the first draft;
  - iv. Submission of drafts for the publication decision; v. Submission of revised drafts; and vi. Submission of drafts for publication.
- b. Each Staff member's article shall be submitted for publication. Subject to the discretion of the Editor-in-Chief, if a member does not submit an article, the member will not be in good standing, will be ineligible to be elected to the Senior Board, or if on the Senior Board shall be removed, shall not be allowed to return to the Journal as an editor, and, subject to a decision by the Faculty Advisor and the Academic Dean of the Law School, shall not receive academic credit for Journal participation in the semester their article was due.
  - i. **THE CORY FISH AMENDMENT:** Although all staff members must submit an article for publication, staff may request that their article not be considered for publication. Such a request will not negatively affect staff members' good standing so long as it is communicated to the Senior Board when the final draft of the article is submitted.
- c. The publication decision is determined by a three-tier system of review:
  - i. First, the Articles and Note & Comment Editors will evaluate the student pieces based on the criteria set by the Senior Articles Editors. No Note & Comment Editor will evaluate a student piece for which he/she was the assigned supervisor. Two different editors will review each student piece. The scores will be normalized, and the pieces ranked.
  - ii. Second, the Managing Editors and Articles Editors will read and evaluate the top twenty-five submissions. The scores will be normalized, and the pieces ranked.
  - iii. Third, all Senior Board members will read the top fifteen pieces. The Senior Board will then meet and make a collective decision and publication.

2. The Journal shall select between six to thirteen Staff member articles; three for publication in each issue of the Journal, excluding the Symposium/Program issue (if any), and one alternate.
3. Staff members selected for publication shall be announced at the Spring Banquet.
4. No amendment shall be made to this section within one month prior to the final draft deadline.

#### B. PROFESSIONAL ARTICLES

1. Any article submitted by a professional writer shall be screened and evaluated for publication by the Senior Articles Editors in consultation with the Editor-in-Chief.
2. The Senior Articles Editors shall have primary responsibility to edit professional articles, set various draft deadlines, and ensure compliance with all production deadlines.

#### C. SYMPOSIUM SPEAKERS

1. If a symposium is held, the Journal will offer in writing to each WILJ Symposium speaker the opportunity to be considered for publication in the Journal. This written invitation to submit an article to the Journal will include a deadline for the speaker's article submission and state that his or her article will be published in the Program issue only if it meets the Journal's substantive criteria and deadlines.

### V. Article V: Disciplinary Action

#### A. GROUNDS FOR DISCIPLINARY ACTION

1. Journal members may be subject to disciplinary action for:
  - a. Failing to perform duties adequately;
  - b. Missing meetings or deadlines;
  - c. Submitting incomplete work; or
  - d. Substantially using the work product of any Journal member or any other individual for Journal, academic, or employment purposes without that member's consent.

#### B. DISCIPLINARY ACTION PROCESS ("Strike" System)

1. Upon one *unexcused* missed deadline or upon the finding by at least 2 senior board members that the submitted work is inadequate, the member must meet with the respective senior board member responsible for the work at issue (either the Senior Note and Comment Editor or the respective Senior Managing Editor) within 5 business days to determine a remedial plan.
2. Upon two *unexcused* missed deadlines or upon the finding by at least 2 senior board members that the submitted work is inadequate, the member must meet with the Editor-in-Chief within 5 business days and the respective senior board member to determine a remedial plan.
3. Upon three *unexcused* missed deadlines or upon the finding by at least 2 senior board members that the submitted work is inadequate, the member shall be placed on **probation**. **Probation** means that due to the member's past performance, the member has now entered into a warning period of heightened seriousness that requires additional justification by the member. The member must attend a hearing with the entire e-board to give a justification for his/her nonperformance.

- a. The Editor-in-Chief in conjunction with the respective senior board member shall prepare a written notice of the allegations against the member, which shall be presented to the member no later than 5 days before the hearing.
  - b. The proceedings of the hearing shall be compiled in a written report and submitted to the member who was the subject of the complaint as well as the Faculty Advisor.
4. Upon four *unexcused* missed deadlines or upon the finding by at least 2 senior board members that the submitted work is inadequate, the member may be subject to dismissal.
  - a. Taking into account the results of the hearing, the member's work and the member's situation, the e-board shall vote to determine whether the member shall be dismissed from the journal.
  - b. If the e-board votes to dismiss the member, the member must meet with the faculty advisor to determine how the dismissal shall appear on the student's transcript.
  - c. The Faculty Advisor and the Academic Dean of the Law School shall be informed in writing within seven (7) days of any action taken by the Journal that may affect academic credit.
- C. Using Another's Work Product
  1. No member may substantially use the note or comment work product of another Journal member for academic or employment purposes, nor use another's work product for Journal Purposes, without that member's or other's consent. No member may use another's Corrections and Problems (C&P) Form work product under any circumstances.
  2. An accusation of a violation of this Article shall be done by the complaint procedures outlined within and the issue shall be subject to a hearing in front of the Senior Board.
  3. The Senior Board may take any of the following actions:
    - a. Find the grievance not warranted and dismiss the accusation;
    - b. Place the member on probation for the remainder of the school year; or
    - c. Dismiss the member from the Journal
  4. If a member is found guilty of violating Article V(A)(4) while already on probation under Article V(A)(4), the member shall be dismissed from the Journal.
  5. A member dismissed from the Journal for use of another's work product has no recourse to appeal.
  6. The Faculty Advisor and the Academic Dean of the Law School shall be informed in writing within seven (7) days of any action taken by the Journal that may affect academic credit.
- D. The Editor-in-Chief may expand upon the disciplinary action process under Article V provided any expansion does not conflict with these Bylaws and all members receive notice of the expansion.

## **VI. Article VI: Meetings**

### **A. JOURNAL MEETINGS**

1. Regular meetings – The Editor-in-Chief shall call and preside at regular meetings of the entire Journal through the Fall and Spring semesters but not less than once per semester.
2. Special meetings – The Editor-in-Chief or any Senior Board member may call a special meeting at any time throughout the year if proper notice is given to all members.
3. Notice – Notice for any meeting is sufficient if it is posted on the Journal bulletin board, placed in each member's hangfile, or sent via email no later than seven (7) days prior to the meeting.
4. Quorum – One-half of all members shall constitute a quorum unless otherwise specified by the Bylaws.
5. Voting:
  - a. An affirmative vote of a majority of members in attendance is required for any action.
  - b. No absentee voting is allowed.
6. The nature of meetings shall be discussion and approval of the Journal's general policies, operations, and procedures.
7. All proposals that require an affirmative vote must be submitted in writing to the Editor-in-Chief and distributed to all members prior to the meeting in which the vote is anticipated.
8. Attendance is mandatory for all members. Failure to attend these meetings without prior approval of the Editor-in-Chief may result in disciplinary action as outlined in Article V.

#### B. SENIOR BOARD MEETINGS

1. Regular Meetings – The Editor-in-Chief shall call and preside at regular meetings of the entire Senior Board through the fall and spring semesters but not less than once per semester.
2. Special Meetings – The Editor-in-Chief or any two Senior Board members may call a special meeting at any time throughout the year if proper notice is given.
3. Notice – Notice for any meeting is sufficient if it is posted on the Journal bulletin board and placed in each member's hangfile or sent via email no later than seven (7) days prior to meeting.
4. Rules – Meetings are open only to Senior Board editors and Associate Editors and any other member who is given permission by the Editor-in-Chief.
5. Quorum – Four members of the Senior Board shall constitute a quorum. The Senior Board may not take formal action unless a quorum is present.
6. Voting – The following rules shall apply to all votes taken by the Senior Board:
  - a. Generally, the affirmative vote of a majority of all Senior Board members is required for any action requiring a vote of the Senior Board.
  - b. Absentee voting – No Senior Board members shall be allowed to vote by absentee ballot.
  - c. Associate Editors and other members cannot vote on any action taken by the Senior Board.
7. Powers – The Senior Board shall have the responsibility for the day-to-day operation of the Journal, under the direction of the Editor-in-Chief.

8. All proposals that require an affirmative vote of the Senior Board must be submitted in writing to the Editor-in-Chief and distributed to the Senior Board prior to the Senior Board meeting in which the vote is anticipated.
9. Attendance at the meetings of the Senior Board is mandatory for all Senior Board members. Failure to attend these meetings without prior approval of the Editor-in-Chief may result in disciplinary meetings.

## **VII. Article VII: General Matters**

### **A. FACILITIES AND PRIVILEGES**

1. All Journal members shall have access to the Journal office for Journal activities and work. The telephone in the Journal office shall be available to Members for business only. Editors shall have photocopy privileges commensurate with their Journal duties.

### **B. COURSE CREDIT**

1. 2L journal members shall register for two (2) academic credits with the University of Wisconsin Law School for each semester of participation. 3L journal members shall register for one (1) academic credit with the University of Wisconsin Law School. Members who are publishing their work or assuming leadership roles requiring additional time commitment, such as Senior Board Members or Associate Editors, may register for up to three (3) credits. Members wishing to register for a different credit allocation must first seek approval from the Editor-in-Chief, reviewable by the faculty advisor, to do so.
2. As stated in the law school rules, 60 hours of journal work equal one journal credit.
3. Subject to a decision by the Faculty Advisor and the Academic Dean of the Law School taking all mitigating circumstances, if any, into consideration, a Journal member shall not receive academic credits for semesters in which they are not in good standing (as defined in Article I(D)(1))

### **C. DIVERSITY POLICY**

1. WILJ seeks meaningful diversity of any kind to enhance the overall intellectual quality of the organization and to foster an environment for the robust exchange of legal perspectives. WILJ treats the term “diversity” broadly, including but not limited to: racial and ethnic background; religious or secular philosophy; political affiliation; gender and sexual orientation; economic and educational background; geographic origin; and special language skills. To that end, WILJ seeks members whose life experiences, interests, and perspectives will create such a community. This Policy is to be implemented by the Senior Board prior to the start of the annual writing competition.

## **VIII. Article VIII: Amendments to the Bylaws**

- A. A quorum of two-thirds (2/3) of all Journal members is required to vote on amendments. Amendments to these Bylaws must be approved by a two-thirds (2/3) majority vote of all the Journal members present and voting. One week advance notice shall be given to all members concerning such proposed amendment(s). Notice is sufficient if it is posted on the Journal’s bulletin board, placed in each member’s hangfile, or sent via email.

**IX. Article IX: Practical Considerations**

- A. The Editor-in-Chief shall possess any and all powers not enumerated in these Bylaws. The successful and continued existence of the Journal is paramount and as such nothing in these Bylaws shall be held to prevent the Editor-in-Chief from achieving those goals. In exceptional circumstances, when it is absolutely necessary, the Editor-in-Chief may suspend the provisions of these Bylaws in order to ensure the existence and success of the Journal.
- B. The Editor-in-Chief shall possess the authority to interpret these Bylaws with the assistance of the Senior Board.