

## **Latin American & Caribbean Law Review Bylaws**

Effective April 2025.

### **I. Preamble**

- A. The FIU College of Law Latin American & Caribbean Law Review Bylaws implement the FIU Latin American & Caribbean Law Review Constitution. The Constitution, Bylaws, FIU Student Conduct and Honor Code, J.D. Student Handbook, and LL.M. Student Handbook should be read together consistently.

### **II. Guiding Principles and Documents**

LCLR Members must follow the following governing documents:

- A. Constitution
- B. Bylaws
- C. Student Agreement
- D. J.D. Student Handbook, if applicable
- E. LL.M. Student Handbook, if applicable
- F. FIU Student Conduct and Honor Code

### **III. Joining LCLR**

#### **A. Eligibility**

##### **1. General**

- a) Students on Academic Probation are not eligible for admission to LCLR.
- b) The Faculty Advisory Board may deem students sanctioned for misconduct in accordance with the J.D. Student Handbook or LL.M. Student handbook to be ineligible for admission to LCLR.

##### **2. Full-Time Students**

- a) Students must be in good academic standing.
- b) Students must have completed the Foundation Curriculum. However, if the student did not take a foundation course because he or she took Legal Reasoning in lieu of that foundation course, but that student has otherwise completed the Foundation Curriculum, that student is eligible for LCLR.

##### **3. Part-Time Students**

- a) Part-time students are eligible if they have completed the Foundation Curriculum and are in good academic standing.

##### **4. Transfer Students**

- a) Transfer Students must be admitted to FIU College of Law by August 1st of the year of application to FIU College of Law. Transfer students must have completed two semesters of legal writing, be in good academic standing, and have earned at least 28

credit hours, but are not required to have completed the Foundation Curriculum before participating in LCLR.

- b) Transfer Students must notify the EIC and Faculty Advisory Board within ten (10) days of admission to FIU College of Law regarding their interest in LCLR membership.

5. Advanced Standing Students

- a) Advanced standing students are invited to LCLR on an ad hoc basis after review by the LCLR Faculty Advisory Board.

6. LL.M. Students

- a) LL.M. students must be admitted to FIU College of Law.
- b) LL.M. students must be in good academic standing.

B. Write-on Competition

- 1. Students who wish to join LCLR must participate in the write-on competition in accordance with the competition rules. The EEB will determine the competition rules. This requirement does not apply to Inaugural Members during the Inaugural Year.

- a) LL.M. students do not participate in the write-on competition.
- b) J.D. Students in the top 10% of their class will not have to participate in the write-on competition, and will automatically be extended an invitation to join LCLR following an electronic submission to the EIC including their resume with their class rank, which will be verified with the FIU College of Law Registrar.
- c) For the Inaugural Year, J.D. students will not participate in a write-on competition. Following an Informational Session held in Spring 2024, the EEB will begin collecting electronic applications submitted to the LCLR official email. The electronic submissions must include a resume; statement of interest (no longer than 2 pages); and both LSV I and LSV II grades.

(1) The EEB will provide J.D. students with invitations to join LCLR within 1 month of the Informational Session

(2) Orientation for the Inaugural Members will be within 1 month of the receipt of accepted invitations.

2. Timing

- a) Write-on competitions will be preferentially administered during the Summer term, Winter break, or Spring break, but may otherwise be administered at any time the EEB determines to be necessary, if agreed to by unanimous decision of the EEB.
- b) Full-Time students may compete in the write-on competition immediately following the Spring semester of their 1L year to be eligible for membership.
- c) Joint degree students may compete in the write-on competition immediately following the completion of the Foundation

Curriculum and preceding their leave of absence from the College of Law.

- d) Part-Time students may compete in the write-on competition the Spring semester immediately following the completion of the Foundational Curriculum.
- e) Transfer students not otherwise eligible for waiver may complete the write-on competition the first week of the Fall semester of the 2L year.
- f) Any contrary provision of the Bylaws notwithstanding, students who have not yet completed their Foundation Curriculum may participate in the 2025 Spring Break Write-On Competition, but may not be assigned duties until such time as they complete the Foundation Curriculum. Students who are extended an invitation to join may be subject to a rescission of their invitation if they do not complete the Foundation Curriculum on their first attempt.

3. Components

- a) The write-on competition includes a writing assignment approved and administered by the EEB.
  - b) The write-on competition also includes a BlueBook examination testing the student's knowledge of the current edition of The Bluebook: A Uniform System of Citation. The student's invitation to join the LCLR will be based on the student's writing assignment score.
4. The write-on competition submission will be submitted on an anonymous basis using FIU-issued blind IDs.
5. Immediately after receiving the written submissions, the EEB will provide the Registrar with the blind IDs of the students who are competing so that the Registrar may begin checking eligibility requirements.
6. Plagiarism
- a) Immediately after receiving the written submissions, the EEB will check the submissions for plagiarism and report cases of suspected plagiarism to the Associate Dean for Academics. In addition to any other appropriate sanctions, students found to have committed plagiarism may not participate in LCLR. If requested, the EEB will provide an originalism score, noting that the score itself does not indicate plagiarism.

C. Invitations to Join LCLR as a Staff Member

- 1. The EEB will determine the number of invitations to extend based on the staffing requirements of the LCLR.
- 2. Invitations to write-on participants should be extended no later than 14 days following the completion of their write-on, with Orientation being held within a reasonable time thereafter.
- 3. The EEB has the discretion to extend this deadline as needed.
- 4. Students invited to become Staff Members shall notify the EEB of their

decision to accept the invitation no later than the date indicated in the invitation. Students invited to become Members who do not accept by the date indicated, or who do not respond to the invitation, will be presumed to have declined the invitation to participate in LCLR. The EEB has the discretion to allow a late acceptance.

5. LL.M. students are not subject to this timeline because LL.M. student applications to join LCLR will be accepted on a rolling basis.

#### D. LL.M. Students

1. LL.M. student applications to join LCLR will be accepted on a rolling basis.
2. LL.M. students will need to include in an electronic application submitted via email to the EIC the following:
  - a) A resume
  - b) Statement of Interest (no more than 2 pages long)
  - c) A transcript from their foreign school with translation
3. The EEB must decide on whether to extend an invitation to an LL.M. student to join LCLR as a Staff Member within two (2) weeks following the application submission.

### IV. Selection of Executive Editorial Board

#### A. Qualifications

1. All Executive Editorial Board members must exemplify the following qualities: excellent command of grammar and composition; excellent editorial and citation skills; attention to detail; good understanding of the current state of the law in many subjects; an ability to work with fellow students and faculty members; strong organizational skills; strong time management skills; honesty and integrity; and a strong devotion to producing an excellent Latin American & Caribbean Law Review. Additionally, Executive Editorial Board members should have the ability to: supervise others; work with outside authors who are writing articles for LCLR; set and enforce deadlines; and offer constructive criticism.

#### B. Expectations

1. Each Executive Editorial Board member must be able to serve a term of one year beginning the last day of classes in the Spring Semester. Staff Members selected to become Editors are expected to serve for the full academic year. However, Staff Members who are selected to fill EEB vacancies on an emergency basis, as determined by the EEB, will not be precluded from a promotion or shift to another EEB position on the basis of their having volunteered to fill the existing vacancy.
2. An Executive Editorial Board member must be readily available and must engage in substantial LCLR editorial work and production during the summer, fall, and spring semesters. The work level of an editorial position is comparable to that found in a demanding legal job.

### C. Eligibility

1. To be eligible for an Executive Editorial Board position, a candidate must be a Member of LCLR in good standing who has successfully completed at least two semesters on the LCLR and has met any additional qualifications as specified by the current EEB. The EEB has the authority to waive the two semester requirement in the event that an EEB vacancy needs to be filled on an emergency basis, as determined by the EEB.
2. Transfer students are eligible for an Executive Editorial Board position during the students' second year of participation in LCLR.
3. Members on Academic Probation are not eligible to be elected to any Executive Editorial Board position.
4. Members sanctioned for misconduct in accordance with the College of Law Student Handbook are not eligible to be elected to any Executive Editorial Board position.
5. No Member may hold more than one Executive Editorial Board position.
6. To be eligible for an EEB position, candidates must have completed the Comment requirement prior to the beginning of their term as EEB. The EEB has the authority to waive the requirement that an applicant complete the Comment requirement prior to the beginning of their term in the event that an EEB vacancy needs to be filled on an emergency basis, as determined by the EEB.
7. LL.M. students are ineligible for EEB positions, unless the student has been accepted into the FIU College of Law's J.D. program for the following school year.

### D. Selection

1. The incoming EEB will be selected by the following process:
  - a) Interested Members must submit the following documents: a cover page, resume, cover letter, a list of two faculty references, and a list of the editorial positions indicating the order of their preference, and a sign up for an interview.
  - b) The EEB will then meet and review all applications.
  - c) The EEB must interview each applicant.
  - d) The EEB will then elect the new EEB by secret ballot. Appointment to any position requires a majority vote of the EEB who participated in the selection and interview process.
  - e) The EEB may reach out to individual members and invite them to join the EEB in the event that an EEB vacancy needs to be filled on an emergency basis, as determined by the EEB. A vote will not be required in such cases.
2. Notification of Appointment Results
  - a) The EIC will notify the LCLR Faculty Advisory Board of the appointment results before publicizing.
  - b) Any member of the LCLR Faculty Advisory Board may veto any appointment.

- c) The EIC will then notify the applicants of the position they have been appointed. The appointed Members must accept or reject the position by the date indicated in the appointment offer.

### 3. Transition

- a) The new EEB will take office on the last day of classes during the Spring semester. The incoming EEB will work with the outgoing EEB in a transition and training period from the time of appointment until the end of the Spring Semester. Notwithstanding any of the foregoing, the current EEB may specify, by unanimous decision, that the new EEB take office on any business day between Spring break and the end of the Spring semester, as needed considering the requirements of LCLR and the availability of current EEB members. Otherwise, the new EEB will take office on the last day of the Spring semester.
- b) Following the appointment of the incoming EEB, the incoming and outgoing EEBs will meet to discuss the operation of LCLR for the upcoming year. New EEB Members are expected to work closely with outgoing EEB during the Spring semester.

### E. Resignations

- 1. EEB Members may resign their position and thereby return to the status of Staff Member on LCLR. The nature and timing of the resignation will be evaluated by the Faculty Advisory Board when the Faculty Advisory Board decides whether to grant academic credit for the Member's participation in LCLR, if the Member was enrolled to receive academic credit.

### F. Vacancies

- 1. If an EEB position becomes vacant, the appropriate selection provisions above apply.

### G. The Inaugural EEB

- 1. The Inaugural EEB will be waived of write on, eligibility, and selection requirements except for good academic standing requirements.

### H. Provisional EEB Positions

- 1. For the 2025-2026 Academic Year, the EEB shall be provisionally composed of the following positions:
  - a) Editor-in-Chief
  - b) Executive Managing Editor
  - c) Executive Articles Editor ("Executive Editor" under § 3.A.2.b. of the Constitution)
  - d) Executive Comments & Submissions Editor
  - e) Internal Marketing & Symposium Editor
  - f) External Marketing & Symposium Editor
  - g) Research Editors (Two Positions)

2. Pursuant to § 3.A.2.f. of the Constitution, the EEB may, no later than the end of the Fall semester of 2025, recommend to the Faculty Advisory Board that the above positions should be made permanent for LCLR's functioning, and shall, pursuant to such recommendation, include the appropriate descriptions of each position so that they may be included in Amendments to the Constitution.
  - a) No later than 90 days following approval by the Faculty Advisory Board, the EEB shall take the necessary steps to amend §3.A.2. of the Constitution to make the above positions permanent, including in such Amendment the appropriate descriptions of each position and renaming the position of Executive Editor to conform to this Amendment.
  - b) If the EEB concludes that LCLR's functioning is better served with a reversion to the composition of the EEB specified under § 3.A.2. of the Constitution, the EEB may choose not to make a recommendation to the Faculty.
  - c) In the event that the EEB should not make such a recommendation or that the LCLR Faculty Advisory Board should not approve the above positions as permanent positions, such positions will continue to exist through the end of the Spring semester of 2026, at which time the composition of the EEB shall revert to the composition specified under § 3.A.2. of the Constitution.
3. Rather than making permanent the above positions through approval of the Faculty Advisory Board, the EEB may alternatively choose to amend the composition of the EEB by seeking a majority vote of LCLR's members pursuant to § X. of the Constitution.
4. When either i) the above positions become permanently codified in the Constitution; or ii) these provisional structural changes are allowed to lapse, the EEB shall take the appropriate action to amend or strike § IV.H from the Bylaws in the interest of simplicity and to keep the Bylaws current.

V. Credit Requirements

- A. Members are not required to take academic credits for LCLR.

VI. Sanctioning Members

A. Generally

1. Members must not permit employment activities or other extracurriculars (including other student groups, such as the Student Bar Association or the Board of Appellate Advocates) to adversely affect or otherwise interfere with their ability to complete their required duties in an efficient, effective, and timely manner.

2. All Members must attend all mandatory meetings and events. Exceptions may only be granted by, and at the sole discretion of, the EIC, due to medical emergencies or other extraordinary circumstances, or religious holidays with sufficient notice.

B. Staff Members

1. Staff Members who fail to complete assignments, fail to submit assignments in a timely manner, or otherwise fail to comply with the requirements of membership may be sanctioned.

C. Executive Editors

1. Executive Editors who fail to execute their editorial responsibilities in a timely or complete manner or otherwise fail to comply with the requirements of membership may be sanctioned.

D. Academic Probation or Student Misconduct

1. Placement of any Member on Academic Probation or sanction for misconduct by the FIU College of Law Administration during a Member's LCLR tenure may result in sanctions. These cases will be referred directly from the FIU College of Law Administration to the EIC to assess whether suspension or dismissal from LCLR is appropriate.

- a) No initial hearing will be held, and the EIC has the sole discretion to decide if suspension or dismissal from LCLR is appropriate. However, the Member may appeal to the Faculty Advisory Board to review for abuse of discretion, pursuant to the procedures explained in (VI)(D)(3)(d)(2)(d) and (VI)(D)(3)(d)(2)(e) of the Bylaws.

2. Minor Violations

- a) Any Member on the EEB may recommend to the EIC that they issue a "strike" for any Member for a minor violation. A strike is appropriate to document a failure to meet standards that does not alone warrant formal sanctions, and a strike is not a sanction for purposes of awarding credit as described in the Constitution.
- b) Following a strike recommendation, the EEB should consult the Student Agreement; the LCLR Constitution and Bylaws; and the J.D. Student Handbook or LL.M. Student Handbook to determine whether the Member has failed to meet standards.
- c) Prior to issuing a Member's first strike, the EIC must speak in person, telephonically, or via email with the Member to explain the strike system generally and the reason for the specific strike.
- d) The EIC may, in his or her discretion, issue a strike by notifying the Member in writing of the strike and internally recording the strike.
- e) Members may not appeal strikes.
- f) Following three (3) strikes for minor violations, a formal sanction may be sought.



### 3. Formal Sanctions

- a) Formal sanctions include, but are not limited to, oral or written admonition or reprimand, demotion from position of responsibility to Staff Member, suspension, or dismissal. The decision by the Faculty Advisory Board to not award academic credit as described in the Constitution is not a sanction within the meaning of this section.

Formal sanctions are appropriate for repeated, minor failures to meet standards or for major infractions. The EEB should consult the Student Agreement; the Law LCLR Constitution and Bylaws; and the J.D. Student Handbook or LL.M. Student Handbook to determine whether the Member has failed to meet standards.

- b) Good cause for imposing sanctions includes but is not limited to:
  - (1) Failure to complete an assignment in a timely and effective manner
  - (2) Failure to attend mandatory meetings and events
  - (3) Failure to fulfill his or her responsibilities as enumerated above
  - (4) Unethical or dishonest conduct
  - (5) Conduct that affects LCLR or the editing process adversely
  - (6) Insubordination
  - (7) Violation of the Student Code of Conduct
  - (8) Academic probation or sanction for misconduct by the FIU College of Law administration
- c) Procedure
  - (1) Initiation
    - (a) Any Member on the Executive Editorial Board may initiate proceedings to sanction any Member for exceptional failure to meet standards. The EEB must also initiate sanction proceedings for any Member issued a third strike. The EEB must notify the Faculty Advisory Board of any misconduct which could merit suspension or dismissal.
  - (2) Hearings
    - (a) Hearing proceedings must be initiated by written submission to the EEB and the Member facing sanction stating the reasons for sanction and the recommendation (e.g. demotion or probation).
    - (b) The EIC will preside over any sanctions hearing. The Executive Editor will assume the EIC's role during proceedings if the EEB seeks to sanction the EIC. The Member will be given an opportunity to present any relevant facts or circumstances as to the

commission of the offense or the appropriate sanction.

- (c) The EEB must vote as to whether the offense occurred (by a preponderance of the evidence) and if the offense did occur, what the appropriate sanction should be. Both steps require a two-thirds vote of the EEB.
- (d) Members who are sanctioned may appeal in writing, within thirty days, to the Faculty Advisory Board to review for abuse of discretion by the EEB.
- (e) Within ten (10) days of the appeal, the Faculty Advisory Board will review evidence supporting the EEB's decision to impose sanctions as well as the appellant's evidence supporting the appeal. The Faculty Advisory Board will review the EEB's decision for abuse of discretion. Following this review, the Faculty Advisory Board will affirm the EEB's decision or direct the EEB to reverse the sanctions. The Faculty Advisory Board must notify the EEB and the appellant of its recommendation in writing, within ten days of the decision. The decision of the Faculty Advisory Board is final.

### (3) Probation Status

- (a) If a Member is placed on probation, the Member shall have one semester to improve, remain free of violations, or both. After one semester on probation, the body that imposed the sanction may lift the probation with no further notice to the Member. If the Member has not improved or has committed additional violations, the body may pursue further sanctions consistent with these procedures listed above.

## VII. Publication of Student Work

- A. Staff Members who would like to publish their Comments in LCLR may submit their completed Comment for review by the EEB. The EEB will evaluate submissions using blind IDs. The EEB will review each Student Comment for quality of writing; for addressing an area of current interest; novelty of argument; and likelihood of being referenced by those in the field. The EEB will create a rubric for assessing Comments, and that rubric will be reviewed for appropriateness and fairness by the Faculty Advisory Board. The decision on what Comments to publish will be the EEB, and the decision is not appealable.

- B. LCLR retains the right of first refusal as to Member comments created under the supervision of the Executive Comments and Submission Editor until the EEB rejects their Comment for publication. Comments submitted after the deadline set for EEB review are still subject to the right of first refusal.
- C. Student-authored Comments written under the supervision of a full-time faculty member as part of an FIU College of Law seminar may be considered for publication upon the recommendation of that faculty member, and provided that the paper has not and will not be submitted to the FIU Law Review. These Comments will be evaluated with the Staff Member comments as described above.

#### VIII. Foreign Language Submissions

- A. LCLR is willing to accept foreign language submissions subject to the limitations explained below in subsections (B), (C), and (D), but retains the right to deny, delay in publishing, or only publish the English version of the submission.
- B. Foreign language submissions must include an English translation of the submission for the selection process. The English version of the submission will be subject to the same selection process as all other articles.
- C. LCLR will limit its foreign language submissions to the language comprehension capabilities of its staff, which will change yearly as its staff changes.
- D. The foreign language submissions will be subject to two (2) translation verification checks between the foreign language version and the English version. One check will be by a LCLR Member, and the second check will be by a faculty member of FIU College of Law; a faculty member from a foreign university, law school, or masters program; faculty members from the FIU Department of Modern Languages; an undergraduate student in the FIU minor in Translation Studies program; or a translation service.

#### IX. Communication

Communication between Members and potential authors will be through LCLR's official email.

#### X. Amendments

- A. The policies established in these Bylaws are binding on LCLR. Material provisions may be amended either by a vote of two-thirds of the Members, or subject to reversal within 12 months by the LCLR Faculty Advisory Board, by unanimous vote of the EEB. Non-material provisions may be amended by the LCLR Faculty Advisory Board. The EIC may recommend amendments to the LCLR Faculty Advisory Board.