



# NYU Law Journal Membership Policy

Approved by the Editors-in-Chief of the Student Journals, January 21 2016

## **Part 1: Joining a Student Journal at NYU Law**

### **§ 100: Jurisdiction**

(a) This policy applies exclusively to the Student Journals at NYU Law. The use of the word “journal” in this policy refers to any of the following organizations, and “the journals” to all of them:

- (1) Annual Survey of American Law,
- (2) Environmental Law Journal,
- (3) Journal of Intellectual Property & Entertainment Law,
- (4) Journal of International Law and Politics,
- (5) Journal of Law & Business,
- (6) Journal of Law & Liberty,
- (7) Journal of Legislation and Public Policy,
- (8) Law Review,
- (9) Moot Court Board, and,
- (10) Review of Law and Social Change.

(b) This policy binds all journals, and may not be amended or superseded without the consent of each of the journals identified in sub-section (a) of this Section.

### **§ 101: Membership in a Journal Only when Consistent with Policy**

No student may be admitted as a member of a journal unless they:

- (a) Are (i) enrolled full-time in the NYU JD program, (ii) have completed their first year of the program, and (iii) take part in the journal writing competition administered consistent with this policy (the “1L Writing Competition”) early in summer, or
- (b) Are (i) admitted to NYU Law as a transfer student into the JD program and (ii) take part in the journal writing competition administered consistent with this policy later in summer (the “Transfer Writing Competition”), or
- (c) Are enrolled in any academic program at the School of Law, do not fit into the above categories, and apply to a journal pursuant to Section 505 of this Policy.

### **§ 102: Membership is Mutually Exclusive**

No member of one journal may be a simultaneously a member of another journal, unless:

- (a) that student is an honorary, non-voting member of the second journal (such as, if that journal's bylaws provide, for writing a Note that the journal publishes); or,
- (b) the student is a member of a journal and the Moot Court Board, having been admitted to the Moot Court Board as a special member for the sole purpose of taking part in moot court competitions in which the Moot Court Board's ordinary members cannot or will not partake.

### **§ 105: Application to a Journal is a Commitment to that Journal**

(a) By ranking a journal during the writing competition, or applying to a journal pursuant to Section 505 of this Policy, a student commits to joining that journal if accepted and fully and faithfully carrying out the responsibilities of membership of that journal until the journal commitment ends or that student graduates, whichever comes first.

(b) As a condition of membership in any journal, a student who resigns from a journal, or is removed from a journal in accordance with School policy and that journal's Bylaws, agrees not to represent themselves as being a member of that journal, and to make contact with each employer with which they interviewed while a member of that journal in order to correct the record.

## **Part 2: Writing Competition Administration**

### **§ 200: Writing Competition Committee**

The Writing Competition is governed by the Writing Competition Committee ("the Committee"). The Committee is bound by this policy. In all other cases, unless otherwise herein provided, the Committee makes all decisions concerning the Writing Competition.

### **§ 201: Committee Membership**

(a) The Committee's voting members are all of the journals.

(b) Each of the Committee's voting members must be represented by either one or two 2Ls who presently hold office on that journal. Each journal is responsible for selecting their representatives on the Committee.

(c) The Committee's non-voting members are the Writing Competition Administrator and the Senior Member.

(1) The Dean of Students, or designee, nominates a member of the Student Affairs staff to serve as the Writing Competition Administrator ("the Administrator").

(2) The Senior Member must be a 3L, appointed by the previous year's Committee, whose purpose is to ensure organizational memory is preserved and

duly considered. They must serve until one week following the conclusion of the Writing Competition.

### **§ 202: Committee Procedure**

(a) The Law Review must appoint one of its representatives on the Committee as Chair of the Committee by no later than March 1 of each year. The Chair serves until the designation of her successor. The Chair represents the Committee; the Law Review must appoint a second representative to represent and vote on behalf of the Law Review. The Chair may not vote to determine the Law Review's vote on the Committee.

(b) The Committee must meet at the call of the Chair or on the request of a majority of its members. No meeting must be held without at least notice circulated by email at least 24 hours before the time of the meeting.

(c) Quorum for any Committee meeting is one representative from a majority of Journals.

(d) All decisions of the Committee must be made with the concurrence of an absolute majority of the total number of journals; each representative has no vote save to determine the vote of their journal. If a journal's representatives tie, the journal abstains. If the journals tie, the vote fails.

(e) The Committee may make decisions via email. Such a resolution is valid only if its precise text is communicated to all Committee representatives and the requisite number of representatives unambiguously indicate their assent to the resolution by an email circulated to all other representatives.

(f) The Chair may exercise the Committee's powers in time-sensitive matters where a Committee meeting or email decision is impractical; such acts must be undertaken with the broadest feasible consultation and are subject to the ratification of the Committee at its next meeting.

(g) The Committee's deliberations are confidential; its minutes may be made available only to its members, Student Affairs, and the Editors-in-Chief of the journals.

### **Part 3: Schedule**

#### **§ 300: Timing of Competitions**

(a) The 1L Writing Competition must take place over the fourteen days following the third day following the last day of the NYU Law Spring Examinations (the "1L competition period"). The competition begins at 12:01am on the first day of the competition period, and concludes at 5pm on the final day.

(b) The Transfer Writing Competition must take place over the seven days following the day of the Transfer Student Orientation (the "Transfer competition period"). The competition begins at 12:01am on the first day of the competition period, and concludes at 5pm on the final day.

(c) The Committee must set the precise dates of each competition period prior to the first day of Spring Examinations. The Committee may extend a given competition period for all competitors if exigent circumstances require it.

### **§ 301: Competition Materials and Submissions**

(a) At the start of each Competition Period, all materials necessary to complete the Competition, including all directions relevant to the Competition, must be posted in a Competitions Packet available online via the Journal Matching System.

(b) The Chair must compile the Packet at least two weeks before the Competition Period, and the Committee must approve the final content of the Packet at least one week before the start of each Competition Period. For the avoidance of doubt, the Committee may by majority vote alter the contents of the packet.

(c) Candidate submissions must be uploaded to the Journal Matching System online. If a candidate will be deprived internet access such that s/he cannot use the Journal Matching System, s/he must apply for an extension or deferral pursuant to Section 302.

### **§ 302: Extensions and Deferrals for Exigent Circumstances**

(a) In all cases, the deadline of the competition incorporates a 10-minute “grace period” for which no penalty will be exacted for late submissions. All submissions made after the grace period may be accepted, or not accepted, and penalized, or not penalized, at the discretion of each journal, unless an extension has been granted pursuant to this Section.

(b) If, before or during the 1L Writing Competition, students encounter exigent circumstances that prevent them from completing the competition by the deadline, they may write to the Administrator and, if the Administrator makes a finding of exigent circumstances, may receive either:

(1) An extension of the 1L Writing Competition deadline for up to one week, or,

(2) If the extension is not adequate to address the exigent circumstances, deferral of the student’s writing competition participation to the Transfer Competition or, if a Transfer student or if the Transfer competition is unsuitable, to a time early in the Fall Semester.

(c) Exigent circumstances are limited to the following:

(1) any grounds for which the School would allow an examination to be postponed, or,

(2) participation in training or selection for military service (such as the Marine Officer Candidate School), even if such service is voluntary, or,

- (3) participation, during at least part of the competition, in a public interest law program that takes place in a region deprived of viable internet access, or a region presently experiencing severe civil unrest, or,
- (4) other circumstances that the Administrator finds to be sufficiently severe and disabling as to merit application of this Section.

(d) Candidates who defer to the Transfer Competition pursuant to Section 302(b)(2) must submit, in place of the comment, another writing sample prescribed by the Committee.

(e) Extensions for exigent circumstances are likewise available during the Transfer Competition, save that no deferral to a future writing competition is possible.

(f) Journals must not penalize a candidate for late or deferred submission of their writing competition materials if the candidate receives an extension or deferral consistent with this Section.

### **§ 303: Grading and Match Timing**

(a) *IL Writing Competition.* After competition submissions, all journals have 33 days to complete their evaluation of each candidate and submit their final rankings to the Journal Matching System. The Match must be run at noon, New York Time, the 34<sup>th</sup> day following the conclusion of the competition period. If a journal does not complete its rankings by this time, it must be excluded from the Match. The Committee may extend this deadline for good cause.

(b) *Transfer Writing Competition.* After competition submissions, all journals have three days to complete their evaluation of each candidate and submit their final rankings to the Journal Matching System. The Match must be run at noon, New York Time, the 4<sup>th</sup> day following the conclusion of the competition period. If a journal does not complete its rankings by this time, it must be excluded from the Match. The Committee may extend this deadline for good cause.

## **Part 4: Setting and Evaluating Writing Competition Components**

### **§ 400: Components of the Writing Competition.**

(a) Journals evaluate candidates in the writing competition solely on the basis of, at most, a candidate's Comment (§ 401), Bluebook Test (§ 402), grades (§ 403), legal brief (§ 404), personal statement and resume (§ 405). Directions for each substantive component must be made available in the journal competition packet.

(b) Except as this Part otherwise provides, each Journal must detail in its Bylaws a process by which that journal independently reviews each applicant's materials and arrives at applicant ranking decisions.

#### **§ 401: Comment**

(a) Candidates must write a comment, not to exceed 1,500 words (endnotes excluded, footnotes not permitted), on the basis of a collection of legal sources of not more than 100 pages prepared by the Committee. Outside legal research is prohibited.

(b) *Preparation of Sources.* The Committee prepares the sources on which the Comment will be based using the following procedure:

- (1) The Committee must approve a legal topic area around which the Comment will focus. The topic area must be sufficiently broad such that a wide variety of topics can be derived from the sources encompassed by the topic area.
- (2) Following approval of the general legal topic area, each journal must prepare at least 10 pages of sources, with source types designated by the Chair such that a diverse range of types of legal sources are included.
- (3) The Chair or designee must collate and edit the sources so provided, and must provide this source collection to the Committee for review at least two weeks prior to Spring Exams. In the absence of a vote of the Committee to reopen and revise the source collection, the collection so presented is approved and shall be the packet for the writing competition.

#### **§ 402: Bluebook Test**

(a) The Bluebook Test must take the form of footnotes in a hypothetical law review article which must be corrected by the competitor to resemble proper *Bluebook* form.

(b) The Bluebook Test is composed by the Bluebook Test Subcommittee (the “Subcommittee”) of the Writing Competition Committee.

(c) Each journal must designate at least one member of the Subcommittee. In addition to the Subcommittee’s members, each journal must designate at least two other persons as Bluebook Test Graders. The Law Review must appoint one person, other than its designated member of the Subcommittee, to be Chair of the Subcommittee.

(d) The Subcommittee Chair must compose both (1) the test, (2) the grading rubric for the test and (3) a corrected model answer by the deadlines prescribed by the Committee. The Chair may, if she wishes, delegate an equitable portion of this work to other members of the Subcommittee.

(e) The Chair of the Subcommittee must, at the time all entries are submitted, divide the tests evenly between all Graders by footnote such that each footnote is graded by at least two graders across at least two journals.

(f) Graders must submit the grades for their respective questions to the Chair of the Subcommittee, who must average the grades for each competitor to determine a final score for that competitor’s Bluebook Test. The Chair of the Subcommittee may, after providing notice to the Subcommittee, strike out and replace a grade at their absolute

discretion. Without limiting this discretion, the Chair must strike out such grades if they believe them to be the product of clear error.

(g) The Chair of the Subcommittee must forward the final score of each applicant's Bluebooking test to the members of the Committee by no later than (1) seven days prior to the day of the Match for the 1L competition or (2) twenty-four hours prior to the moment of the Match for the Transfer Competition.

#### **§ 403: First Year Grades**

(a) *In the 1L Writing Competition.* Academic Services may furnish each journal's Editor-in-Chief with the its calculation of the informal grade point averages of all persons who have applied to that journal in the 1L Writing Competition.

(b) *In the Transfer Competition.* All participants in the Transfer Competition must themselves supply each journal to which they apply their academic transcript from the first year of law school, along with their grade point average and the means by which this was calculated.

(c) *Strict Confidentiality.* The Editor-in-Chief of each journal, and one nominee of the journal, must be the only persons to see the grades or transcripts furnished by Academic Services to the journal. After the grades are utilized, all files and paper records of the grades must be destroyed.

#### **§ 404: Legal Brief**

(a) A journal may, in lieu of the Comment, require that applicants to that journal submit a legal brief written for a legal writing course. Journals wishing to exercise this option must advise the Committee in advance of the competition and must deliver appropriate instructions to the Committee Chair to include in the competition packet.

(b) A journal seeking to use a legal brief prepared for NYU's Lawyering Course as the legal brief for the competition must make arrangements with the Lawyering Faculty to prescribe a common rule with respect to when a student must not seek further feedback from the Lawyering program on that brief. In no way may these rules interfere with the curricular requirements of the Lawyering program.

#### **§ 405: Personal Statement and resume**

(a) Each candidate must submit a personal statement, not to exceed 500 words, and a resume, not to exceed one page, for each journal to which they apply.

(b) Each journal must supply, for publication in the Competition Packet in advance of the Competition, a brief explanation of what information should be included in the personal statement and resume for that journal.

#### **§ 406: Violations of Academic Integrity Rules**

(a) A student's submission of their writing competition materials constitutes a representation that the analysis and articulation of the work is exclusively that of the

student, except as expressly attributed to another in the work. This representation is not made with respect to a legal brief's editing and revision consistent with the rules articulated in the Writing Competition Packet.

(b) Plagiarism occurs when one, either intentionally or through gross negligence, passes off someone else's words as one's own, or presents an idea or product copied or paraphrased from an existing source without giving credit to that source. No writing competition submission may be plagiarized.

(c) If the journals, or any one of them, have reason to believe that a writing competition submission was plagiarized or the object of collaboration:

(1) They must report the same to the Vice-Dean pursuant to Section II.C.1 of the School's Procedures for Adjudicating Complaints Possibly Justifying Formal Discipline ("the Procedures").

(2) The School, in accordance with the Procedures, may advise the journals to disregard the submission, or, if a member has been accepted but is found to have plagiarized their submission, to withdraw the member's invitation of membership. Journals agree, notwithstanding Section IV.B. of the School of Law Policies and Procedures adopted February 18, 1970 and as time to time amended, to act in accordance with this advice.

(3) If the School does not make a recommendation with respect to a referred submission, or recommends that the submission be accepted, the submission must be treated as if no complaint was lodged.

#### **§ 407: Violations of Rules Other Than Academic Integrity**

Each journal must independently determine penalties for violation of any other rules, including failure to comply with the instructions in the packet, or late submission of writing competition materials.

#### **Part 5: Membership Quota and Match**

#### **§ 500: Calculation of Membership Quota for each Writing Competition**

(a) Each journal must set a membership quota for the 1L Writing Competition and the Transfer Writing Competition before each Competition's competitor submissions close.

(b) In setting the membership quota for each competition, a journal must use the following formula:

(1) The number of Staff Editors on the journal on 1 January of that calendar year is the "Staff Editor Class."

(2) The 1L Competition Quota must be between 88% and 92% of the Staff Editor Class.



- (3) The Transfer Competition Quota must be set so as to ensure the number of Staff Editors admitted to the journal in the 1L Competition, plus the Transfer Competition Quota, is no more than 110% of the Staff Editor Class.
  - (4) The sum of the Transfer and 1L Competition Quotas must not be more than 110% of the journal's median Membership Entitlement over the past five years.
- (c) The sum of a journal's membership quota for the 1L Writing Competition and the Transfer Writing Competition is the "Membership Entitlement."
- (d) No journal may admit as members in a given year more students than its Membership Entitlement for that year. Once set (prior to the Transfer Competition), the Membership Entitlement may not be changed for that academic year.
- (e) The calculation of the Membership Entitlement or any membership quota must not take into account any resignations or removals of members of a journal that occurred during the academic year.

**§ 501: Deviation from Membership Entitlement**

- (a) A journal may apply to the Administrator to vary their Membership Entitlement. Requests for variance must be submitted in writing to the Administrator by May 1 of the year of the Writing Competition. The Administrator must respond to the journal by not later than May 30 with his/her decision and the reasons therefor.
- (b) In determining whether to approve or disapprove a Membership Entitlement variation, the Administrator must have regard to:
- (1) The views of the journal's faculty advisor and the other journals, each of whom must receive notice of the request,
  - (2) The journal's current and expected activity, and whether the additional or fewer members is necessary (if the request is to increase membership numbers) or sufficient (if the request is to decrease numbers) to achieve that level of activity,
  - (3) The consistency of the membership entitlement change with the journal's mission and long-term strategic plan,
  - (4) The impact, if any, on the Student Affairs budget of approving the variance,
  - (5) The general student interest in journal membership, as measured by journal rankings in the previous five years of writing competitions,
  - (6) Whether the additional (or fewer) members proposed have been accounted for in the journal's credit-bearing position descriptions, and whether it is likely that

amendments made to those descriptions in order to accommodate the member numbers in the variance request would be approved by the Vice-Dean.

(c) The Administrator may provide that the Membership Entitlement variation shall not be counted in the calculation of future Membership Quotas for that journal.

**§ 503: Journal Match**

(a) In each of the 1L Competition and Transfer Competitions, each applicant must rank all those journals, and only those journals, that they wish to join, in order of their preference. All journals, following their evaluation of the applicants, do the same. The Journal Matching System will then run a match of preferences using the same algorithm as the National Residency Match System, rendering at most one matched journal for each applicant.

(b) Those applicants matched to a journal are, at the moment of the Match, members of that journal in good standing. Journals must advise admitted members by either email or telephone not more than 12 hours following the running of the Match.

**§ 504: Initial Failure to Match**

(a) An “unmatched student” is one who completed either the 1L or Transfer Journal Writing Competition but was not matched to a journal.

(b) Following the Transfer Writing Competition, the Administrator must contact journals who have fewer Staff Editors than their Membership Entitlement and ask if they wish to consider unmatched students.

(c) If the journal indicates affirmatively, the Administrator must send the anonymized application materials of the unmatched students and set a common deadline for consideration of applications. Journals must submit their preferred applicants by the common deadline; the Administrator then performs an informal second-round match to assign students to journals.

(d) Students not matched in this second round may re-apply to journals under as a late applicant pursuant to Section 505.

**§ 505: Membership in a Journal other than by the 1L or Transfer Writing Competition**

(a) Provided that they follow the instructions laid out in this Section, Journals may accept as ordinary members those NYU law students who:

(1) are a JSD or LLM student, or,

(2) are a Spring 2L or Fall 3L and did not complete either the 1L or Transfer Writing Competition, or,

- (3) are a Fall 3L who completed a year of service to another journal with a one-year commitment, or,
- (4) are a Spring 2L or Fall 3L who wish to “transfer” from a journal with a two-year commitment with the written approval of that journal's Editor-in-Chief, or
- (5) are a 2L or 3L, at any time before the end of Fall 3L, who did not match a journal in the writing competition or the second-round match.

(b) If a journal wishes to accept applicants who fit into the categories identified in subsection (a), the journal must:

- (1) advertise the opportunity in the Docket for at least one week, and,
- (2) codify in their bylaws an application process that requires materials analogous to that required in the journal writing competition, and,
- (3) verify that the applicant is not a member of a journal with a commitment that runs through their membership period on their new journal, or has permission from their current two-year journal's Editor-in-Chief to “transfer” to a different journal, and,
- (4) include more than one journal officer in making the admission decision.

(c) No member may be admitted pursuant to this Section if by so doing the number of members accepted to the journal that year exceeds that journal's Membership Entitlement for that year.

(d) For the avoidance of doubt, a journal may elect not to admit members by any means other than the 1L and Transfer Writing Competition.