

MARQUETTE SPORTS LAW REVIEW

By-Laws

The Marquette Sports Law Review is a curricular activity for Marquette University Law School students and is under the supervision of the Law School faculty. Academic credit toward the Juris Doctor Degree is awarded by the faculty for student work on the Sports Law Review. These By-Laws establish the rules for work on the Sports Law Review and for earning academic credit. Governance of the Sports Law Review is subject to faculty control.

ARTICLE I: ORGANIZATION

- § 1) **Faculty Advisors.** The Faculty Advisors provide governance and oversight of Sports Law Review operations on behalf of the Faculty. The Faculty Advisors delegate primary responsibility for day-to-day governance of the Sports Law Review to the Editorial Board but retain final authority in all matters relating to the Review.
- § 2) **Editorial Board.** The Editorial Board shall consist of student editors, including the positions of Editor-in-Chief, Executive Editor, Lead Articles Editor, & Managing Editor. From year to year, depending on the number, quality, and caliber of Sports Law Review Members eligible for and seeking editorial positions, the position of Survey Editor and other editorial positions may be added to the Editorial Board. The number of Editors for a given year shall be determined by the Faculty Advisors with input from the current Editorial Board.
- § 3) **Senior Members.** Those members who have served on the Sports Law Review for a full academic year as second year students are eligible to continue serving as Senior Members during their third year. The number of Senior Members may vary from year to year, considering the quality of Sports Law Review Members eligible for, and seeking, these positions. The number of senior members for a given year shall be determined by the Faculty Advisors with input from the current Editorial Board.
- § 4) **Members.** The remaining students associated with the Sports Law Review shall be designated Members. The number of Members may vary from year to year depending on the needs of the Sports Law Review as well as the quality and caliber of those students seeking to become Members. The number of Members for a given year shall be determined by the Editorial Board and Faculty Advisors.

ARTICLE II: FACULTY ADVISORS AND EDITORIAL BOARD FUNCTIONS

- § 1) **Faculty Advisors.** The Faculty Advisors perform three basic functions:
 - a) The Faculty Advisors approve amendments to the Sports Law Review operational policies and procedures recommended by the Editorial Board, and provide advice and counsel to the Sports Law Review Editors on the operations of the Sports Law Review.

- b) The Faculty Advisors train each new Editorial Board on proper editing procedures and all other responsibilities described in the Operating Manual. The Faculty Advisors assist the Editorial Board in setting all deadlines for Member assignments and submissions and in all contacts with the printer, Joe Christensen, Inc.
- c) The Faculty Advisors also have final authority regarding the following matters:
 - i) Sports Law Review policies, including amendments to these By-Laws;
 - ii) Discipline, up to and including discharge, of Sports Law Review Editors or Members for nonperformance or improper performance of their duties, or for their failure to comply with the requirements of these By-Laws for continued participation as an Editor, Senior Member, or Member.

- § 2) **Editorial Board.** The Editorial Board shall have the primary responsibility for publication of the Sports Law Review and for management of the daily operations of the Sports Law Review. Responsibilities of each Editor are described in the Operating Manual. The Editorial Board trains and evaluates the Members regarding proper editing procedures in accordance with the Operating Manual.
- § 3) **Operating Manual.** Operating and editorial procedures are performed according to the Operating Manual, which is intended to produce the Sports Law Review as efficiently as possible. The Faculty Advisors may modify the Operating Manual as necessary after consultation with the Editorial Board.

ARTICLE III. MEMBER ELIGIBILITY AND FUNCTIONS

- § 1) All Marquette University Law School students are eligible to participate in the Sports Law Review writing competition that is a prerequisite to becoming a Member if, after completing 29 credit hours and all required first year legal research and writing courses, they are in good academic standing.
- § 2) Students who currently are in residence at the law school are eligible to be Members. Visiting students from Southern Methodist University Law School participating in the Marquette University Law School/National Sports Law Institute law student exchange program also are eligible to be Members.
- § 3) To become a Member, each student must participate in a writing competition. The writing competition is normally held in the summer, but may be scheduled during the fall, if necessary, by the Faculty Advisors and Editorial Board. The Editorial Board develops the writing competition problem each spring.

Writing competition entries are judged by the Editorial Board with guidance and input from the Faculty Advisors.

- § 4) These provisions apply to both part-time and full time students.
- § 5) All Members must complete at least 60 hours of work in connection with the Sports Law Review each semester to maintain their membership status on the Sports Law Review and earn one hour of academic credit. Member work will include footnote checking, source pulling, source checking, textual editing, and work toward the completion of a student comment. Meetings and training sessions are included for purposes of determining compliance with this 60-hour per semester requirement.
- § 6) A full academic year of membership must be performed in consecutive semesters. Members must receive the prior approval of the Faculty Advisors before serving as a member in nonconsecutive semesters.

ARTICLE IV. SELECTION OF EDITORS

- § 1) Members who have served on the Marquette Sports Law Review for a full academic year are eligible to participate in the Editorial Board Selection Competition.
- § 2) Each year the Review will seek to fill at least the following four editorial positions: (1) Editor-in-Chief; (2) Executive Editor; (3) Lead Articles Editor; and (4) Managing Editor
- § 3) To be eligible to become an editor, members must achieve at least a “B” average (satisfactory performance) on all Sports Law Review assignments performed as described in the Operating Manual.

Each prospective Editor also must write a scholarly article (called a comment) on a sports law topic for review by the Editorial Board and the Faculty Advisors. Topics for the scholarly writing competition must be approved by the Faculty Advisors. The submitted article must conform to all requirements of the writing competition, a sample of which is included in the Operating Manual.

All comments must be completed and submitted at least two weeks before the Annual Sports Law Awards Banquet in the spring semester. Comments are to be submitted to the Executive Editor who will distribute them to the Editorial Board and Faculty Advisors for review. Among the factors considered in judging the comment are:

- 1) Publishability;
- 2) Topic originality;
- 3) Novelty;
- 4) Conformance to Bluebook rules;
- 5) Depth and quality of research;
- 6) Quality of the comment’s organization, reasoning, and analysis;
- 7) Quality of writing style, grammar, and punctuation;
- 8) Relevance of the topic to the sports industry;

- 9) Likelihood that the comment will contribute to the understanding or development of the law, or provide significant assistance to judges, scholars, and/or attorneys.

Comments submitted in connection with the Editorial Selection Competition must be resubmitted to the Editorial Board for the next academic year in order to be considered for publication in the Sports Law Review.

§ 4) Each Member participating in the Editorial Selection Competition will be interviewed by the Editorial Board and Faculty Advisors. The Editorial Board will make recommendations to the Faculty Advisors concerning the selection of their successors.

The Faculty Advisors approve the selection of all editors based on consideration of the following factors: (1) recommendation of the current Editorial Board; (2) quality of applicant's work as a Member; (3) candidate's leadership potential as an Editor; (4) the specific editorial position that would best fit the abilities of the applicant and the needs of the Review; and (5) quality of the Member's comment.

The new Editorial Board for the next academic year will be formally announced at the Annual Sports Law Awards Banquet, which is held in the spring. Participants in the Editorial Selection Competition may be individually notified prior to the Banquet at the discretion of the Editorial Board and Faculty Advisors.

§ 5) Students who are not selected for an editorial position are eligible to continue serving as Senior Members during their third year at Marquette University Law School.

ARTICLE V: CREDITS & GRADES

§ 1) **Members.** Members who perform at least 60 hours of satisfactory work in a given semester and have successfully completed a student comment, as described in the Operating Manual will receive 1 credit hour for that semester.

§ 2) **Editors.** In a given semester Editors who perform at least 120 hours of work that is deemed to be satisfactory by the Faculty Advisors will receive 2 credit hours for that semester.

§ 3) **Grades.** A grade of "Satisfactory" shall be earned by students for all credit hours earned under this Article. A grade of "Unsatisfactory" shall be assigned to any student who has failed to complete all minimum requirements described in these bylaws and the Operating Manual.

ARTICLE VI: UNSATISFACTORY PERFORMANCE BY MEMBER

§ 1) **Performance Criteria.** Members are put on disciplinary review if their performance on the *Sports Law Review* has been judged to be unsatisfactory.

In order to place a member on Disciplinary Review, the Group Leader must provide documentation in writing to the Editor-in-Chief (with a copy to the Faculty Advisors) requesting that the member be placed on Disciplinary Review and explaining why the member's performance is unsatisfactory.

Unsatisfactory member performance includes, but is not limited to:

- a. One (1) or more unexcused late assignment;
- b. Unsatisfactory performance on any one assignment (defined as less than a "C" average when doing a source pull or edit);
- c. Continued (2 or more times) unsatisfactory work (defined as less than a "C") on repeated factors used to assess completion of assignments;
- d. Insufficient hours of work on assignments within a semester as judged solely by the Group Leader and Editor-in-Chief; or
- e. Two (2) or more unexcused absences from scheduled meetings.

§ 2 **Determination.** The Editor-in-Chief has the sole discretion to place a Member on Disciplinary Review after meeting with the Group Leader. The Editor-in-Chief may choose to:

- a. Not place the member on Disciplinary Review.

In this case the Editor-in-Chief will provide the Group Leader with instructions as to how to discuss the problems with the Member and provide a Written Warning to the Member that his or her performance will now be monitored more closely. A copy of this Warning should also be sent to the Faculty Advisors(s).

- b. Place the member on Disciplinary Review.

In this case the Editor-in-Chief will initially consult with the Group Leader to discuss the Member's unsatisfactory performance. These Editors will develop a process that will be communicated to the Member that will allow for him or her to improve his or her performance and be taken off of Disciplinary Review. This process could include but is not limited to: redoing particular edits or assignments; accelerating the deadlines for future assignments; and performing additional exercises to ensure proper training.

Following this meeting, and before discussing the matter with the individual Member, the Editor-in-Chief will provide a draft letter placing the Member on Disciplinary Review to the Faculty Advisors and discuss the Member's performance with the Faculty Advisors.

After meeting with the Faculty Advisors, the Editor-in-Chief will schedule a meeting with the Member and Group Leader to inform the Member that he or she has been placed

on Disciplinary Review, provide him or her with written notification of this action, and discuss the areas he or she must improve upon before being taken off of Disciplinary Review.

§ 3) Disciplinary Review.

Once a Member is placed on Disciplinary Review it is his or her sole responsibility to bring his or her performance up to a satisfactory level on his or her next assignment.

If the unsatisfactory performance concerned non-attendance of meetings, the Member will be required to attend all future scheduled meetings on a timely basis.

§ 4) Removal from Disciplinary Review

The Group Leader will be determine whether the Member has improved his or her performance after completion of his or her next assignment after being placed on Disciplinary Review. If the Group Leader determines that the Member's performance has improved, he or she may petition the Editor-in-Chief to remove the Member from Disciplinary Review. If the Editor-in-Chief agrees with the request after consultation with the Group Leader, the Editor-in-Chief should prepare a Removal from Disciplinary Review Letter for the Member and the Member will no longer be considered to be on Disciplinary Review. The Faculty Advisors must receive a copy of the Letter.

If the Member's Disciplinary Review status concerns non-attendance of meetings, the Editor-in-Chief will monitor the Member's future attendance and determine when the Member can be taken off of Disciplinary Review.

§ 5) Removal from Membership on the *Marquette Sports Law Review*

If a Member's performance does not improve to a point where he or she can be removed from Disciplinary Review after the completion of the next assignment after he or she has been placed on Disciplinary Review, the Member can be removed from membership on the *Review*.

A Member will be removed from membership only if the following conditions are met:

- a. After being placed on Disciplinary Review, the Member's performance does not rise to a satisfactory level in the judgment of the Member's Group Leader after the completion of their first assignment while on Disciplinary Review, or, the Member misses or is late for two (2) or more scheduled meetings, and
- b. The Group Leader and Editor-in-Chief have again met with the Member to discuss the Member's continuing unsatisfactory performance, and
- c. The Group Leader and Editor-in-Chief have met with the Faculty Advisors to discuss the Member's continued unsatisfactory performance, then

The Editor-in-Chief may request in writing that the Faculty Advisors remove the Member from membership on the Review. If the Member has successfully completed 75% of the work required for the particular semester, as judged by the Editor-in-Chief, the Member *may* still receive the credit appropriate for that semester; however, he or she will not be included on the masthead published in any issue of the Review.

ARTICLE VII: ARTICLE PUBLICATION STANDARDS

§ 1) **Article Review Board.** The Article Review Board includes the Faculty Advisors and Editorial Board. Absent extenuating circumstances, the Review Board will review each article within seven days after the article is received by the Sports Law Review and meet as a group to discuss the article. Each member of the Review Board has a vote in determining whether an article will be given an offer of publication. An affirmative vote of a majority of the Review Board is required to extend an offer of publication.

§ 2) **Offer to Publish.** Offers to publish an article are based on several criteria, including, but not limited to, the following publication standards:

- 1) Publishability;
- 2) Topic originality;
- 3) Novelty;
- 4) Conformance to Bluebook rules;
- 5) Depth and quality of research;
- 6) Quality of the article's organization, reasoning, and analysis;
- 7) Quality of writing style, grammar, and punctuation;
- 8) Relevance of the topic to the sports industry;
- 9) Likelihood that the article will contribute to the understanding or development of the law, or provide significant assistance to judges, scholars, and/or attorneys.

The Lead Articles Editor will promptly notify the author of the Review Board's decision to accept or reject an article.

ARTICLE VIII: JOSEPH E. O'NEILL PRIZE FOR STUDENT WRITING

§ 1) **Definition.** In 1995, the Joseph E. O'Neill Prize was created. It is awarded to the Marquette University Law School student who has published the best article in the Marquette Sports Law Review during the preceding year as judged by the Review's Advisory Board and the Publications Advisory Committee of the National Sports Law Institute's Board of Advisors

§ 2) **Review Advisory Board.** The Advisory Board consists of Marquette University Law School faculty members who agree to serve in this capacity.

§ 3) **Selection.** During the spring semester of each academic year, the Faculty Advisors distribute anonymous copies of all Marquette University Law School student articles accepted for publication in the current volume of the Sports Law Review to the Advisory Board and Publications Advisory Committee members for their review. Each member will be given a score sheet to rank the articles in order of overall quality. The Faculty Advisors do not take part in this ranking. Before the Annual Sports Law Awards Banquet, the Faculty Advisors tabulate the rankings of the student articles by the Board and Committee. The article judged to be of the highest quality by the Board and Committee wins the Joseph E. O'Neill Prize.

ARTICLE IX: AMENDMENT OF BY-LAWS

Amendments of these By-Laws shall be made only with approval of the Faculty Advisors.

ARTICLE X: EFFECTIVE DATE

These By-Laws shall be effective for all purposes on January 22, 2008.