

# Latin American & Caribbean Law Review Constitution

Effective 2023

## I. Preamble

- A. The FIU College of Law Latin American & Caribbean Law Review (“LCLR”) is an organization composed of FIU College of Law students.
- B. The purposes of the LCLR are:
  1. To publish digital journals of articles from legal scholars in the United States, practitioners, and foreign scholars that focus on legal issues and topics that affect Latin America and the Caribbean and/or the Latin American and Caribbean communities in the United States of America. Such topics include immigration, social challenges affecting the Latin American and Caribbean population in the United States, and policy trends in Latin American and the Caribbean.
  2. To provide a forum for the analysis of important legal and policy issues affecting Latin America and the Caribbean and/or the Latin American and Caribbean communities in the United States of America.
  3. To promote the educational purpose of the FIU College of Law by strengthening Members’ legal research, writing, analysis, and leadership skills while focusing on FIU College of Law’s Learning Outcome of engaging with the local and global legal communities.

## II. Definitions.

The following definitions apply throughout the Bylaws:

- A. The FIU College of Law Latin American & Caribbean Law Review is referred to as “LCLR.”
- B. The Executive Editorial Board is referred to as “Board,” “Board Members,” or “EEB.”
- C. “Foundation Curriculum” will be defined by the FIU College of Law Faculty Curriculum Committee.
- D. “Student” will be defined as J.D. students unless stated otherwise (e.g. LL.M. students).
- E. “In consultation with” means that the body that is consulted will review the decision for abuse of discretion, unless academic credit is the resulting effect of such consultation. When this term regards consultation with the LCLR Faculty Advisory Board, the LCLR Faculty Advisory Board shall have a veto power over the decision; however, such veto power shall be for abuse of discretion except when determining academic credit.
- F. “Student Agreement” refers to the FIU College of Law Latin American & Caribbean Law Review Student Membership Agreement, which is incorporated by reference.

- G. “Student Comments” refer to any articles, comments, or notes produced by a Member as part of the writing requirement.
- H. “Inaugural Members” will be defined as Members who joined and remained members of LCLR in the 2023–2024 academic year.
- I. “Inaugural Board” will be defined as the EEB during the 2023–2024 academic year.
- J. “Inaugural Year” will be defined as the 2023–2024 academic year.
- K. “Pro Bono Hours” will be defined as the pro bono hours required by FIU College of Law, not the pro bono hours required/recommended by state bars. These pro bono hours are only applicable to satisfy FIU College of Law’s Pro Bono Hours Requirement.

### III. Organization

#### A. Student Membership

LCLR is composed of and run by selected students at the FIU College of Law. LCLR will provide equal opportunity for membership in LCLR while imposing such limitations as are required to retain the academic integrity of LCLR. There are two types of Membership: Staff Members and Executive Editorial Board Members.

##### 1. Staff Members

Staff Members are second, third, and fourth-year J.D. students, and LL.M. students. Staff Members will be assigned various tasks related to the production of LCLR, including but not limited to, editing assignments and generating original content for LCLR’s social media platforms.

##### 2. Executive Editorial Board

The Executive Editorial Board (EEB) consists of Members with at least one academic year of experience as a Staff Member, with the exception of the Inaugural Board and the 2024-2025 EEB. The EEB will be responsible for evaluating and editing all articles submitted and/or accepted for publication, and for supervising and coordinating the timely production and editing of Student Comments and other articles. The EEB consists of the following permanent positions:

- a. Editor-in-Chief (EIC): must schedule deadlines and publication dates, and ensure members adhere to the schedule; represents LCLR to the faculty, administration, and outside interests; presides over EEB meetings; final blueline edit on all articles and makes final decisions on questions of style or format when the circumstances dictate; supervises all Staff Members and EEB Members; and other functions.
- b. Executive Editor: ensures each article complies with the standards and rules set forth in the Bluebook and the Style Manual; reviews all of the citations in an article; reviews the article text to ensure there are no formatting or grammatical issues; assigns Members to

- edit articles; manages the translation verification of foreign language submissions; and other functions.
- c. Executive Comments and Submission Editor: hosts orientation for the new Members; approves Comment topics; manages training of Staff Members; and other functions.
  - d. Executive Marketing and Symposium Editor: manages LCLR's social media and event promotion; if desired and budget allows, coordinates an annual symposium, which includes sending out a call for symposium papers on a chosen topic, choosing presenters, completing technical edits on the symposium articles, and coordinating travel for the presenters; regularly monitors LCLR's official email and ensures Members are having appropriate communications; and other functions.
  - e. Executive Managing Editor: manages distribution of LCLR; manages LCLR's budget, answers emails and letters about subscriptions; keeps detailed records about subscriptions payments; processes checks and cancellations for subscriptions; works with the purchasing department at FIU College of Law when LCLR needs materials; sets up events and opportunities for Members; and other functions.
  - f. Additional positions may be approved by a majority vote of the LCLR Faculty Advisory Board upon recommendation by the EEB that the position is needed for LCLR's functioning.

#### B. LCLR Faculty Advisory Board

The LCLR Faculty Advisory Board is a board of three faculty members. Any member of the LCLR Faculty Advisory Board may represent LCLR at faculty meetings, as needed. The Faculty Advisory Board will provide appropriate guidance for the effective management of LCLR, supervise the Staff Member writing assignment, and award academic credit and pro bono hours for participation in LCLR, among other functions.

1. The two student founders of LCLR will remain in an advisory position for two years post-graduation.
2. Additional positions may be approved by a majority vote of the Faculty Advisory Board.

#### C. LCLR Research Specialist

LCLR Research Specialist is a librarian appointed by the Faculty Advisory Board. The LCLR Research Specialist will provide appropriate research and citation guidance, among other functions.

#### IV. Comment Requirement

Staff Members will complete a student comment of publishable quality during their tenure in LCLR. This requirement does not apply to Inaugural Members.

- A. A paper written for a Seminar class may be used to satisfy the Comment Requirement only if the Member did not use and does not plan to use the paper to satisfy a comment requirement for FIU Law Review or for general publication in the FIU Law Review or elsewhere.

V. Academic Credit or Pro Bono Hours

Each Member of LCLR may opt to receive academic credit or pro bono hours (to satisfy FIU College of Law's pro bono hours requirement, not state bar pro bono requirements/recommendations) for their service as a Member of LCLR. It is impermissible to receive academic credit and pro bono hours during the same semester for the same service.

A. Academic Credit

1. Each Member of LCLR may receive academic credit for service as a Member of LCLR subject to Faculty Advisory Board approval, provided the Member has not been sanctioned for their performance during that semester in accordance with the Bylaws. If the Member has not otherwise been sanctioned, the Member will be presumed to have performed satisfactorily.
  2. In addition to satisfactory participation on LCLR, if a Member has an incomplete writing requirement pursuant to (IV), then the Member must write a paper of publishable quality. The Executive Comments and Submission Editor will grade the paper. If the Member has not otherwise been sanctioned and the Executive Comments and Submission Editor has determined that the paper is of publishable quality, the Member will be presumed to have performed satisfactorily. If the Executive Comments and Submission Editor determines that a paper is not of publishable quality, the Faculty Advisory Board will then consider that determination and the Member's participation on LCLR to decide whether to approve or deny academic credit.
    - a. It will be considered an honor code violation if a Member submits to LCLR the same paper used for both a Seminar class and submitted to satisfy the FIU Law Review comment requirement or for general publication in the FIU Law Review or elsewhere.
  3. All credits received by LCLR staff will be designated Pass/Fail.
  4. The maximum credit allowed for service on LCLR will be in accordance with the J.D. Student Handbook.
  5. Upon resignation of membership to LCLR, a "withdrawal" will be placed on the Member's transcript (if the Member was enrolled to receive academic credit for participation) and LCLR will not appear on the Staff Member's resume for that period covered by the withdrawal.
  6. LL.M. students will not be eligible for academic credit.
- B. Pro Bono Hours Toward FIU College of Law's Pro Bono Requirement

1. Any pro bono hours earned would apply only to the FIU College of Law Pro Bono Requirement, not state bar requirements/recommendations.
2. Each Member of LCLR may receive pro bono hours for service as a Member of LCLR subject to Faculty Advisory Board approval.
3. The Member must decide at the beginning of the semester to earn pro bono hours for the work completed during the applicable semester.
4. Service as a Member of LCLR will qualify as pro bono hours due to the work being legal in nature as a part of legal education.
5. Members must comply with the FIU College of Law Pro Bono Policy and complete the required forms.
6. There may be opportunities for LL.M. students to undertake pro bono hours.

#### VI. Publications

- A. The goal of LCLR is to publish at least one (1) digital issue per academic year, each consisting of at least three (3) articles and at least one (1) student comment. The issues may be symposium-based (live, paper, or digital) or other special topics.
- B. LCLR during the Inaugural Year will be exempted from the publication goal.

#### VII. Editing Philosophy

LCLR places a premium on maintaining the author's voice and the strength of the author's argument throughout the editorial process and therefore employs a light-edit philosophy. Our edits strive to improve readability and ensure accuracy and stylistic consistency, not to co-opt the article from its author.

#### VIII. Sanctioning Members

- A. 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.
- B. Nothing in this Section shall be construed to limit the ability of a Member to take a leave of absence. The Faculty Advisory Board will approve any requests for leave of absence.
- C. Sanctions may be imposed for good cause. Good cause includes, but is not limited to, failure to fulfill responsibilities of LCLR, unethical or dishonest conduct, or other conduct that adversely affects LCLR.
- D. Sanctions include, but are not limited to, oral or written admonition or reprimand, demotion from position of responsibility to Staff Member, probation, suspension, or dismissal. The decision by the Faculty Advisory Board to not award academic credit for participation in LCLR as described above is not a sanction within the meaning of this section.

- E. The EIC may impose sanctions that do not include suspension or dismissal. These sanctions may be appealed to the LCLR Faculty Advisory Board..
- F. The EIC will refer cases that may merit suspension or dismissal to the Faculty Advisory Board. The Faculty Advisory Board's decision on these cases is final.
- G. Any Member may be removed if the Member is placed on Academic Probation or if sanctioned for misconduct by the FIU College of Law administration subject to the EIC's sole discretion.

#### IX. Procedure

The EEB will comply with Robert's Rules of Order Newly Revised. In exigent circumstances, the EIC may independently decide an issue within the EEB's power, subject to the later ratification or veto of such decision by the EEB.

#### X. Amendments

The policies established in this Constitution are binding on LCLR and may be amended only by vote of two-thirds of the Members. The EIC may recommend amendments to the LCLR Faculty Advisory Board.