**ENVIRONMENTAL LAW**

**BYLAWS**

(Revision Date: March 31, 2015)

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## Governing Documents

*Environmental Law* (ELR) is governed by three formal documents, as described in this section.

### Bylaws

These Bylaws define the roles, responsibilities, and credit associated with participation in ELR. Amendment of any portion of the Bylaws shall be by a two-thirds (2/3) vote of the entire ELR membership who participates in the vote. Any vote to amend the Bylaws shall be conducted during the Fall or Spring semester, prior to the start of final exam reading period and not during Spring Break. Notice of the upcoming vote shall be provided to the ELR membership at least two weeks in advance. When the Bylaws are amended, the Editor in Chief shall ensure that the new Bylaws are provided to the Faculty so that changes can be made to *What’s What* and other related publications. Amendments to the Bylaws are effective immediately unless otherwise indicated.

### Environmental Law Handbook (ELH)

The ELH is the general procedural guide for ELR. The Managing Editors, in consultation with the Editor in Chief, may amend the ELH.

### Environmental Law Greenbook (ELG)

The ELG is the form and style manual for ELR; it may be supplemented by the *Blue Book*, the *Texas Law Review Manual on Usage and Style*, and any other appropriate resource identified by the Form & Style Editors. The Form & Style Editors, in consultation with the Editor in Chief, may amend the ELG.

## Titles and Position Descriptions

ELR is composed of a number of positions each having its own responsibilities, as briefly described in this section. In consultation with the Elected Board, defined below, the Editor in Chief may develop more extensive descriptions for use in elections, to provide more detailed instructions in ELH, or for public communications. ELR members are directed to the ELH for more detailed explanations of duties and responsibilities.

### Executive Board

The Executive Board has authority, pursuant to these Bylaws, to award discipline or academic credit related to service on the ELR.

1. The **Editor in Chief** is responsible for the general administration of ELR, interactions with the faculty and administration, contract negotiations, and preparation of material for publication, including the first and final edits. The Editor in Chief has final responsibility for the content of each issue and ultimate authority on management, form and style, and other journal decisions. One (1) position.
2. The **Managing Editors** implement the ELR work plans in cooperation with the Editor in Chief, and manage the day-to-day details of the review. They oversee all aspects of the publication process, establish and enforce publication deadlines, communicate with the printer, and make staff assignments. The Managing Editors may also solicit subscriptions, and are responsible for the annual budget and all law review expenditures. The Managing Editors assist the Editor in Chief with yearly budget matters, equipment purchases, reprint requests, and printer contract negotiations. The Managing Editors arrange board meetings, gatherings, orientation, and the annual law review banquet. Two (2) positions.

### Elected Board

The Executive Board and the positions in this subsection comprise the Elected Board. New positions on the Elected Board may not be created without amendment of these Bylaws. A concurrent election may be held to revise the Bylaws and fill a newly created elected position.

1. The **Form & Style Editors** read all manuscripts for correct citation form and consistent style. They are the resident *Blue Book* experts and keep the staff informed of special form or style problems, with occasional trainings on commonly overlooked or misapplied rules. Together with the Editor in Chief, they have final say on all matters of form and style. These editors are a resource for all members who encounter citation or style questions in their law review assignments. The Form & Style Editors are also responsible for updating the ELG each year. Two (2) positions.
2. The **Submissions Editors** (formerly, Articles Editors) solicit, review, and help select articles for publication from attorneys, professors, and other nonstudent authors. The Submissions Editors, in consultation with the Editor in Chief, help determine the substantive content of the review and all symposia and colloquia. The Submissions Editors continually search for persons active in the field of environmental law, including attorneys and judges engaged in environmental cases, legislators sponsoring or opposing environmental legislation, and citizens and industry groups, in order to solicit articles from them. Two (2) positions.
3. The **Notes & Comments Editors** are responsible for soliciting, reviewing, and helping select student works. They work in conjunction with the Submissions Editors and Editor in Chief in determining the substantive content of the review. The Notes & Comments Editors administer at least one annual intra-journal publication competition. The Notes & Comments Editors, in consultation with the Editor in Chief, select at least one winner of the competition, who will be published in ELR. The Notes & Comments Editors prepare the writing competition problem and supervise the competition and recommend to the Editor in Chief which write-on candidates should be invited to join ELR. Two (2) positions.
4. The ***Ninth Circuit Review* Editor** is responsible for the form and content of the case summaries and the index published each summer in the *Ninth Circuit Review*. This editor must keep informed of new developments in environmental law, suggest topics and cases for Chapters and Case Summaries, and review Chapters for relevance and timeliness. In addition, this editor and the Editor in Chief work in conjunction with Faculty to guide the selection of topics for the *Ninth Circuit Review*. This editor is the substantive editor of all *Ninth Circuit Review* Case Summaries and Chapters, and will coordinate the efforts of Members who are writing Chapters and Case Summaries for the review. One (1) position.
5. The **Online Journal Editors** oversee all matters regarding ELR’s websites, email lists, and copyrights. They are also responsible for coordinating with Computing Services and Information Technology about hardware, software, and network issues. The Online Journal Editors solicit articles, notes, comments, essays and opinions for publication on the ELR website, making publication decisions in conjunction with the Editor in Chief. The online journal is intended to evolve rapidly and allows the journal to receive near immediate feedback on the publication of the print issues, as well as foster important discussion about other environmental law topics that may not merit full treatment in an academic article. Two (2) positions.
6. The **Symposium Editor** coordinates production of the annual symposium issue, which comes out of the Environmental Law Program symposium focusing on one aspect of the environmental and natural resources legal landscape. ELR partners with the environmental law faculty to publish a paper symposium featuring the cutting-edge discussions presented at these symposia. The Symposium Editor is responsible for contacting speakers who will submit symposium pieces, and coordinating publication with those authors. The Symposium Editor writes an introduction to the print Symposium. One (1) position.

### Editorial Board

1. The Editorial Board consists of the Elected Board and the Associate Editors.
2. **Associate Editors** are those students who are serving their second year on ELR and are not serving in an Elected Board position. Associate Editors are responsible for editing and preparing individual manuscripts for publication. Associate Editors coordinate with the Editor in Chief and Form & Style Editors to ensure manuscripts are ready for publication, and assist Members with source checking assignments on the manuscripts. Associate Editors are the primary point of contact between the author and the law review. Associate Editors are also responsible for assisting the law review with new projects and issues as they arise. The total number of Associate Editors will vary from year to year.

### Members

1. **Members** are those students who are serving their first year on ELR. As Members, students are responsible to perform source checking, work orders, and related assignments. The total number of students accepted as Members may vary from year to year.
2. Nomenclature: All positions described in this section comprise the ELR membership and may be described as ELR members. However, the term Members (with a capital M) is used for participants during their first year.

## Elections

Each Spring term, the Executive Board shall hold elections to fill the next year’s Elected Board positions. Elections shall be conducted during the academic term, but not during Spring Break, reading period or exam week. Notice of elections shall be provided to the entire ELRmembership at least four weeks in advance. Candidacy is by self-nomination. Any ELR member is eligible to run for an elected position, provided the member expects to be enrolled at Lewis & Clark Law School for the entire academic year. The entire ELR membership is eligible to vote. Any incumbent in the Program Assistant position is also eligible to vote; the Program Assistant position is funded, hired, and managed by Lewis & Clark Law School to provide staff support to *Environmental Law*. Election is by simple majority.

If an Elected Board member leaves his or her position before his or her term is up, the Executive Board may, in its discretion, hold an election to fill the vacant position. The Executive Board shall provide one week notice of elections and follow all other elections procedures delineated in this paragraph.

## Admission

Students may either “Write On” or “Grade On” to ELR.

### Writing On to ELR

The Notes & Comments Editors, in consultation with the Executive Board, shall hold an anonymous writing competition each year to select new ELR members. Prospective second-, third-, or fourth-year students must have a minimum grade point average of 2.3 to be admitted to ELR. The content of the writing competition is within the discretion of the Editor in Chief in consultation with the Notes & Comments Editors and may change from year to year. The competition may or may not be held in conjunction with the other law reviews at the discretion of the Editor in Chief in consultation with the Notes & Comments Editors.

The *Ninth Circuit Review* Editor selects five outstanding papers from the writing competition entries. Authors of the selected papers sit on the *Ninth Circuit Review*. Each *Ninth Circuit Review* Member is expected to write Case Summaries and a Chapter of publishable quality for the annual *Ninth Circuit Review* issue of *Environmental Law*.

At his or her sole discretion, the Editor in Chief may extend the writing competition deadlines because of special circumstances encountered by an applicant.

### Grading on to ELR

Prospective second-year day and evening students who are ranked at the top of their first-year classes shall be invited to serve on ELR without the necessity of completing a writing competition entry. The class ranking percentage will be set on an annual basis at the discretion of the Executive Board. Failure to accept an invitation pursuant to this section is not a bar to admittance under paragraph IV.A.

### Transfer Students

Transfer students may not grade on to ELR. Interested transfer students must complete Lewis & Clark’s writing competition packet and be subject to the same review process undergone by Lewis & Clark students during the summer competition. At his or her sole discretion, the Editor in Chief may extend the writing competition deadlines because of special circumstances encountered by a transfer student.

### Generally

1. All applicants accepted to ELR must agree to satisfy the Performance Standards described below. ELR expects new Members to make a two-year commitment, with the exception of new Members who are in their final year of law school, in which case, the commitment is through graduation.
2. Visiting students are not eligible for membership in ELR. Membership is limited to those students who expect to receive their J.D. from Lewis & Clark Law School.

## Performance Standards

All ELR members are responsible for satisfying the Professionalism Standards that appear in the ELH and completing the task assignments for their positions as detailed in the ELH. Basic requirements for satisfactory performance are described here.

### Responsive Communication and Deadlines

All ELR members, must attend all required meetings, meet all deadlines, and respond to email inquiries from the Editor in Chief or Managing Editors within a reasonable period of time, generally 48 hours. Where exceptional circumstances exist, the ELR member is accountable to make reasonable arrangements in advance.

### Power Weekends

At a minimum, Members must attend one “Power Weekend” per academic year, while the Editorial Board must attend one “Power Weekend” during the summer, fall, winter, and spring. The Executive Board has discretion to require attendance at additional “Power Weekends” in order to meet ELR production requirements. If additional attendance is required, at least two weeks’ notice will be provided to ELR members.

### Assigned Tasks and Criteria for Satisfactory Performance

Each ELR position has specific duties, as noted above in Job Titles and Position Descriptions and as described in detail in the ELH. In addition, related tasks may be assigned in order to meet ELR production requirements.

1. Assigned tasks include, but are not limited to, editing text, source checking, galley proofing, page proofing, holding weekly office hours, completing work orders, administrative tasks, and any other duties identified in the member’s job description. Managing Editors may require a member to perform duties related to his or her position provided the additional work is reasonable, required within a reasonable timeframe, and is reasonably distributed across the ELR membership. The Editor in Chief may review for reasonableness additional duties assigned by the Managing Editors and prohibit those assigned duties that, in his or her judgment, are unreasonable.
2. The Managing Editors, with the consent of the Editor in Chief, may develop incentive or penalty systems to encourage members to complete their assigned duties. Any incentive or penalty must be reasonable and must be enforced consistently across the ELR membership. The Editor in Chief shall review any such system for reasonableness and consistent application and prohibit those incentive or penalty systems that, in his or her judgment, are unreasonable or inconsistently applied.
3. Performance is considered to be satisfactory when the work assigned is completed on time, is accurate, can be relied upon by other ELR members, meets ELR technical specifications for electronic compatibility, and is of the high quality traditionally associated with *Environmental Law*.

### Paper Submission

Each ELR member must submit an original writing suitable for inclusion as a Note, Comment, or *Ninth Circuit Review* Chapter. The writing may have been produced for a law school course, as a Capstone, or independently. The writing must be on an environmental topic, broadly defined.

Any member may submit a paper dealing exclusively with a non-environmental topic with permission of the Editor in Chief. The Editor in Chief’s approval shall be at his or her sole discretion.

All members shall complete the writing assignment prior to graduation.

### Dues

Annual dues: The amount required for annual dues shall be determined each year by the Executive Board. Membership dues shall be paid at the start of each academic year, and continued membership is contingent on the full payment of dues. Dues shall be charged each year and uniformly across the membership.

## Externships

ELR recognizes that externships are valuable opportunities for law students.

### Eligibility

All members, with the exception of the Editor in Chief, may elect to participate in ELR while on a full-time externship upon approval of the Editor in Chief. The Managing Editors and Form & Style Editors may participate in externships if the externship is local to the Lewis & Clark area. Students planning to do externships should notify the Executive Board as soon as possible before beginning the externship, with a written proposal which details how they will complete their law review duties while on externship.

### Individual Externship Arrangements

Generally, ELR members on externships local to the Lewis & Clark area are expected to perform their duties. For an ELR member who is completing an externship outside of the Lewis & Clark area, based on the specific circumstances of the externship, particularly location and proximity to legal research sources, the Managing Editors may approve an individualized work plan. Managing Editors may also consider the total number of members seeking externship arrangements in a particular semester when considering work reductions. Examples of variations include, but are not limited to:

1. Reduction or elimination in the number of required work order minutes
2. Reduction or elimination in the number of source checking assignments
3. Modification of source checking assignments to consist of online sources only
4. Substitution of additional duties to offset reduced obligations in other areas
5. Allowing an informal leave for the externship semester, with no academic credit earned and automatic reinstatement the following semester

All individual externship agreements shall be reduced to writing and maintained in the Managing Editors’ office.

### Reasonableness and Consistency

1. Recognizing that there may necessarily be variations between individual externship arrangements, the Editor in Chief may review externship arrangements for reasonableness and consistency and may instruct the Managing Editors to revise individual externship arrangements.
2. Arrangements made between an ELR member who accepts an externship and the Managing Editors who approve the individual’s work plan shall be recognized and enforced by the Managing Editors and Editor in Chief.

## Removal

To ensure the continued high quality of ELR, all members must satisfy the Performance Standards set forth above, maintain a minimum grade point average of 2.3, and remain enrolled at Lewis & Clark Law School. Failure to satisfy these requirements at all times may result in removal. Any warnings or communications under this section will be specifically identified as such.

### General Procedure: Members

A Member who fails to fulfill his or her Performance Standards is subject to permanent removal from ELR

1. The first time the Member’s work does not meet the ELR Performance Standards the Member will receive an initial warning from a member of the Executive Board describing the shortcoming. The member may be required to meet with a member of the Editorial Board or take specific corrective action to remedy the deficit.
2. The second time the Member’s work does not meet the ELR Performance Standards, the Member will receive a second warning from a member of the Executive Board. In addition, the Editor in Chief may recommend to the Faculty that the Member should not receive academic credits of up to half the credits for which the Member is eligible.
3. The third time the Member’s work does not meet the ELR Performance Standards, the Member may be removed from ELR by the Editor in Chief at his or her sole discretion. In concert with the removal, the Editor in Chief may recommend to the Faculty that the person should receive no ELR academic credit for the year.

### General Procedure: Editorial Board Members

An Editorial Board member who fails to fulfill his or her Performance Standards is subject to permanent removal from ELR.

1. The first time the Editorial Board Member’s work does not meet the ELR Performance Standards the member will receive an initial warning from a member of the Executive Board. The Editorial Board Member will be required to meet with a member of the Executive Board to formulate a plan for improvement that includes a specific timeline for improvement. Executive Board members will address any problems encountered during the course of the plan for improvement.
2. If an Editorial Board Member’s work continues to fall below the ELR Performance Standards, the Editor in Chief may determine, at his or her sole discretion, which of the following two courses to take:
3. The Executive Board may present a second warning to the member. If, after receiving this second warning, the member’s work continues to fall below the ELR Performance Standards, the Editor in Chief may recommend to the Faculty that the Editorial Board Member should not receive academic credits of half or all the credits for which the member is eligible.
4. The Editor in Chief may remove the member from ELR and may recommend to the Faculty that the Editorial Board Member should receive no academic credits for the year.

### Exceptions to General Procedure

Notwithstanding the General Procedures described above, there may be circumstances in which a member is removed from ELR despite satisfying the performance requirements. With the agreement of both Managing Editors, the Editor in Chief has discretion to remove a member from ELR immediately and without following the General Procedures outlined above. In that circumstance, the Editor in Chief shall recommend to the Faculty that the person should receive no ELR academic credit for the year.

### Removal of an Executive Board Member

Of the three incumbents on the Executive Board, any two may jointly call a “no confidence vote” to remove the third from his or her elected position. Notice of the no confidence vote shall be provided to the entire ELRmembership at least two weeks prior to the vote. If the election is not during the Fall or Spring academic term, arrangements shall be made for ELR members to vote remotely. Removal shall be by 3/4 vote of the participating ELR membership. Upon removal, a new election to fill the vacancy shall be held with reasonable promptness; in the interim the remaining two incumbents will jointly assume all the responsibilities of the removed incumbent. The two remaining incumbents shall jointly recommend to the Faculty that the person removed should receive no ELR academic credit for the year.

## Readmission

### Leaves of Absence

Any member in good standing who takes a leave of absence from the Law School shall be readmitted to the law review upon return to the Law School. Any member who does not meet the requirements of this section must reapply under the regular Admission procedures described above.

### Removal from ELR

Any member who is removed from the law review for any reason except failure to maintain a minimum 2.3 grade point average shall not be eligible for readmission to the law review.

Any member who is removed from ELR for failure to maintain a minimum 2.3 grade point average shall be readmitted to the law review upon obtaining the minimum grade point average.

### Other Cases

In all other cases a member who leaves school or resigns must reapply under the Admission procedures described above.

## Academic Credit

### Academic Credits by Position

1. The Editor in Chief, Managing Editors, and Form & Style Editors are eligible to receive six credits per year.
2. Other Editorial Board members are eligible to receive four credits per year.
3. ELR Members are eligible to receive two credits per year.

### Distribution of Academic Credits

1. ELR members may decide to take fewer than the number of credits per year for which they are eligible. A member’s workload and responsibilities, as outlined the Performance Standards section, shall not change because a member chooses to take fewer credits or participate in other law school programs.
2. With the approval of the Editor in Chief, ELR members may distribute their credits unevenly across the Fall and Spring semesters. The Editor in Chief’s approval shall be at his or her sole discretion. A member’s workload and responsibilities, as outlined the Performance Standards section, shall not change because a member chooses to unevenly distribute academic credits.

### Full Year Participation

Credit for participation in ELR is earned for each full year of service, even though it appears on academic transcripts by semester. The Editor in Chief recommends academic credits to the Faculty pursuant to these Bylaws.

1. If an ELR member has unevenly distributed academic credits, failure to satisfy the Performance Standards in one semester may mean that credit is not earned for the entire academic year, with the result that some or all academic credits may be withheld in the other academic semester to reflect accurately the member’s contribution to ELR for the academic year. The Executive Board shall confer before the Editor in Chief recommends a reduced number of academic credits for any ELR member.
2. Under *exceptional and unpredictable* circumstances, the Editor in Chief may award academic credit for a partial year of service. Generally, these situations will involve medical or family emergencies that prevent a member from fulfilling the Performance Standards. The member must petition the Editor in Chief for approval to earn credits for only a single semester of an academic year. The Editor in Chief’s approval shall be at his or her sole discretion.

### Policies of the Lewis & Clark Registrar

All awards of Academic Credits are subject to Registrar policies, which are subject to change.[[1]](#footnote-2) As of the date of this revision, Registrar policy requires Incomplete grades for Fall term when an ELR member has taken more than half of the academic credits for which they are eligible on an annual basis in the Fall term. Upon successful completion of all annual responsibilities at the end of the Spring term, the Incomplete will be changed to Credit grade.

### Role of the Faculty

References to the Faculty in these Bylaws refer to the ELR Faculty Advisors. Faculty Advisors provide oversight and guidance to the Editor in Chief in the management and operation of ELR. Faculty Advisors have discretion over the distribution credits for all members of law review, with the recommendation of the Editor in Chief. The number of Faculty Advisors may vary. The Faculty Advisors are those identified on the masthead in the most recent issue of *Environmental Law*.

1. *As of Spring 2015, the Registrar has a policy requiring Incomplete grades for law review members who distribute their law review credits unevenly by taking more than half of them in the Fall term: “Students electing to allocate more than two credits for fall semester will receive an incomplete for fall semester until successfully completing all law review responsibilities for fall and spring semesters.” [This footnote is provided for informational purposes and is not part of these Bylaws.]* [↑](#footnote-ref-2)