

BYLAWS OF THE JOURNAL OF TECHNOLOGY LAW AND POLICY

ARTICLE 1

Selection of Members

Section 1.01. **Specific Objectives and Purposes.**

1. Members of *The Journal of Technology Law and Policy* (hereinafter "*Journal*" or "*The Journal*") shall be selected on the basis of a proven record of academic excellence in accordance with the provisions of this Article.
2. Membership shall be available to all students of the University of Pittsburgh School of Law upon entering their second year with their cumulative grade point average in the top 20% of their class.
3. Membership in The Journal cannot be concurrent with membership in any other scholarly journal, law review, or other scholarly publication. Each Member of The Journal shall commit at least two consecutive years service as a Staff Member the first year as described in Section 2.05, and an Editor the second year as described in Sections 2.02-2.04.

Section 1.02. **Selection on the Basis of Writing Competition – Non-graduating Students.**

1. The Editor-in-Chief shall appoint a writing competition to coordinate a writing competition (hereinafter "Competition"). The Journal may combine its Competition with another scholastic writing competition, provided however, that the Editor-in-Chief approves the topic selected in conjunction with the other writing competition. The Journal may also hold more than one Competition per year.

Note: The Committee has traditionally consisted of the Editor-in-Chief and Topics Editors of the Journal but may include the Executive Editor, Managing Editor, or any other member of the Editorial Board.

2. The Committee shall select a noteworthy topic and determine the required length of entries and an appropriate date for submission.

3. The Committee shall solicit names of interested contestants and hold the Competition within a reasonable time between June 1st and September 1st.

Note: To allow successful contestants to reflect their status on The Journal before the traditional Fall employment interview period, the Competition should end sometime before August 1.

4. The Committee alone shall read and evaluate all entries. The evaluation of the merits of any entry by these persons shall be conclusive.
5. The Committee shall submit a reasonable number of the most qualified submissions to the Editor-in-Chief for final consideration. The Editor-in-Chief retains final authority to offer membership to qualified submissions from among the submissions chosen by the Committee.
6. All submissions shall be received and evaluated anonymously to ensure objectivity.

Section 1.03. Selection on the Basis of Writing Competition – Transfer Students.

The following are the only means for transfer students to attain Journal membership. This list is meant to be complete and is to be construed narrowly.

1. Eligibility. Only students enrolled at the University of Pittsburgh School of Law may be offered membership.

Note: This is meant to distinguish transfer graduate students who are eligible to receive a degree from the University of Pittsburgh School of Law from visiting students who are not eligible to receive such a degree.

2. Selection.
 1. Writing Competition. Transfer graduate students may participate in the Competition described in Section 1.02(a) under the same criteria and guidelines, and at the same time as, Contributing University graduate students.
 2. Independent Submission. Transfer graduate students are governed by the applicable rules for independent submission in Section 1.04.

Section 1.04. Selection on the Basis of Independent Submission.

1. Second and third-year students at the University of Pittsburgh School of Law are encouraged to submit written works to The Journal for consideration for publication.

2. Any student who submits a work deemed to be publishable by The Journal shall be offered membership to The Journal.

Note: "deemed to be publishable" shall not include any article that has been accepted by any other publication. However, an article may be "deemed to be publishable" and not actually be published. The scope of the term "deemed to be publishable" shall be determined by the Editor-in-Chief.

3. All submissions by currently enrolled students shall be read by the Editor-in-Chief, Executive Editor, and Managing Editor.
4. All submissions are to be independently researched.

Article 2

Organization and Administration

Section 2.01. Purpose.

This article describes the officer selection process, the duties of officers and Members, and the administration of The Journal.

Section 2.02. Editor-in-Chief.

1. Election.
 1. The outgoing Editor-in-Chief shall hold an election to determine the next Editor-in-Chief before the end of the yearly scholastic period (two semesters at most schools). The term of the new Editor-in-Chief shall be effective at the end of the yearly scholastic period.
 2. All members of the Journal shall be eligible to vote for the election of the Editor-in-Chief.
 3. All voting shall be by secret ballot.
 4. The incoming Editor-in-Chief shall be the candidate who receives a simple majority of the votes.
 5. If no candidate receives a simple majority of the votes, a runoff election shall be held between the two candidates receiving the highest number of votes.
 6. Tie breaking mechanisms.

1. If a runoff election is necessary and there is a tie for the second most votes, all candidates so tied shall participate in a runoff to determine who participates in the runoff election.
 2. If a runoff election is necessary and more than two candidates are tied for the most votes, all candidates so tied shall participate in the runoff election.
 3. If a runoff election fails to produce a winner by simple majority, a second vote between the same candidates shall be held. If this vote fails to produce a winner, the Editor-in-Chief shall end the meeting and call a meeting of the Editorial Board in not less than seven (7) days.
 4. All remaining candidates shall appear before the Editorial Board. The Editorial Board, including the Editor-in-Chief, shall vote, and the candidate receiving the greatest number of votes will be the next Editor-in-Chief. If the Editorial Board vote results in a tie, the current Editor-in-Chief shall break the tie.
2. Duties and Responsibilities.
1. The term of the Editor-in-Chief will be for one year.. The maximum term for serving as Editor-in-Chief is two (2).
 2. The Editor-in-Chief is the chief executive officer of The Journal and shall:
 1. actively solicit submissions to The Journal from accredited law schools and business schools by any means reasonably available;
 2. have final authority concerning all matters of editorial and administrative policy for The Journal, unless otherwise directed by these Bylaws;
 3. be the official representative of The Journal;
 4. appoint an Editorial Board and the Editorial Staff consistent with this Article no later than September 15;
 5. appoint a committee to oversee the writing competition in accordance with Section 1.02;
 6. enforce The Journal disciplinary policy in accordance with Article 3;
 7. have exclusive power to call a meeting of the general membership, except as described in Section 3.04;
 8. organize the Editorial Staff consistent with Section 2.04; and
 9. have final authority to recommend academic credit.
 3. The Editor-in-Chief may delegate any of the authority granted by these Bylaws.

Section 2.03. **Editorial Board.**

1. Selection. The Editorial Board shall consist of at least five Members, including the Editor-in-Chief, who shall be a non-voting Member unless

- otherwise specified by these Bylaws. The Editor-in-Chief shall appoint the remainder of the Editorial Board, which shall include a Managing Editor and Executive Editor(s). Editors other than the Editor-in-Chief shall serve for a term of one year.
2. Duties of the Board.
 1. Each Board Member will perform duties assigned by the Editor-in-Chief, including, but not limited to:
 1. the management of a functional department, where appropriate;
 2. advising the Editor-in-Chief on editorial and administrative work and progress of such work, in a non-binding capacity, unless otherwise directed by the Editor-in-Chief or these Bylaws.
 2. The term of the Board coincides with the term of the Editor-in-Chief, but cannot exceed one year.
 3. The Board may call a meeting of the general membership for the purpose of removing the Editor-in-Chief in accordance with Section 3.04(a)(i)(2).
 4. The Board shall conduct disciplinary proceedings in accordance with Section 3.01(Step Three) and Section 3.02.
 3. Conduct of Board Meetings.
 1. Any Member of the Board may call a Board meeting.
 2. The Board may choose a Business Manager who shall attend Board meetings and record minutes, including the outcome of any votes. The Business Manager shall maintain the minutes for review until the term of the Board expires.
 3. The Board may meet in open or closed session, at the discretion of the Editor-in-Chief.

Section 2.04. **Editorial Staff.**

1. The graduating Members of The Journal who have served as Staff Members of The Journal or another law review, journal, or scholarly publication, shall be part of the Editorial Staff.
2. The Editorial Staff shall be organized into a reasonable number of functional departments. Note: These departments may be:
 1. Managing Editor. Responsible for coordinating and harmonizing the content and style of each work submitted by each of the Executive Editors. Also responsible for timely submission of peer reviewed manuscripts for publication;
 2. Executive Editors. Responsible for coordinating and harmonizing the content and style of each work submitted by each of the Supervising Editors (infra);
 3. Specialized Editors. Responsible for reviewing topics selected from, but not limited to, Government, Substantive Law, Medicine, Biotechnology, Chemistry, Electrical Engineering, Mechanical

Engineering, Software Engineering, Robotics, Silicon Processes, Banking, Finance, Environmental Law and Policy, and Business Practices. The Specialized Editors may also concurrently be an Articles or Research Editor.

4. Network Editors. Responsible for maintaining and updating the Journal's Web site and all related activities and resolving all problems with articles accepted for post hoc publication of The Journal online;
5. Supervising Editors. Responsible for resolving all problems with articles accepted for publication to The Journal, after Articles and Research Editors have completed their work;
6. Articles Editors. Responsible for screening submissions and editing the text of articles accepted for publication;
7. Research Editors. Responsible for reviewing Staff assignments and insuring articles comport with Bluebook or MLA Handbook citation standards;
8. Topics Editors. Responsible for organizing and judging the summer writing competition, and supervising the Staff in satisfying their Journal writing requirement.

Section 2.05. **Staff.**

All Journal Members shall serve their first year on the publication as a Member of the Staff. Each Staff Member shall fulfill a writing requirement by writing a Note, Comment, or other form of scholarly work as described by the Editor-in-Chief with the final goals of creating a publishable work and publishing such work online. In addition, the Staff shall perform other duties as described by the Editor-in-Chief.

Note: the writing requirement may be fulfilled during the first two years of The Journal in part by organizing a "state of the law" section for The Journal online. This section shall provide relevant full-text Bills pending in Congress, relevant caselaw, internet links to other articles on the subject, and a practical summary of the topic. The "state of the law" section topic must be approved by the Editor-in-Chief, and shall be representative of each of the six forums of The Journal online. These forums are currently: Information Technology Law and Policy, Biotechnology Law and Policy, Telecommunications Law and Policy, Environmental Law and Policy, E-Commerce Law and Policy, and E-Culture (representing entrepreneurship and current issues that are relevant to future law and policy discussions).

Article 3

Disciplinary Policy

Section 3.01. Removal of Staff Members and Staff Editors from The Journal.
Step One. First Warning.

1. The Editor-In-Chief has the authority to issue written or oral warnings upon advice and counsel from the Research Editors, Topics Editors, Executive Editors, or Managing Editor in charge of the Journal Member concerned.
2. The Editor-in-Chief shall make a written record of the issuance.
3. Whether the Staff Member or Editor's act or omission constitutes an infraction is in the Editor-in-Chief's discretion.
4. The Editor-in-Chief shall make clear to the person being warned that the warning is the first step in the removal process.

Step Two. Second Warning.

1. Upon a second infraction, the Editor-in-Chief shall make a written warning to the person in question.
2. The Editor-in-Chief shall make a written record of the issuance.
3. The Editor-in-Chief shall make clear to the person being warned that the written warning is the second step in the removal process.

Step Three. Third Written Warning results in vote on removal.

1. Upon a third infraction, the Editor-in-Chief shall issue a third written warning to the person in question.
2. Notice of the third written warning shall be made to the Editorial Board, which shall call a vote on removal of The Journal Member. The Editor-in-Chief shall vote with the Editorial Board on all disciplinary matters.
3. The Member in question shall have the opportunity to speak before the Editorial Board prior to their vote.
4. A simple majority shall remove the Member from The Journal.
5. If the voting board does not vote to remove the person from The Journal, upon the next infraction, this subsection, Section 3.01(Step Three), is reactivated.

Section 3.02. Removal Pursuant to a Single, Egregious Infraction.

1. The Editor-in-Chief may call for a vote of the Editorial Board to completely remove any Member of The Journal from the publication on the grounds of a single infraction.
2. This infraction must be so egregious in the Editor-in-Chief's opinion to constitute a substantial threat to the integrity of the publication.
3. This vote shall proceed in accordance with the provisions of Section 3.01(Step Three).

Section 3.03. Removal of an Editor from the Editorial Board.

1. The Editor-in-Chief may, at will, remove any Editorial Board Member from the Editorial Board.
2. The Executive Editor shall reassign this person to a position on the editorial staff. If the Editor-in-Chief removes the Executive Editor, the Managing Editor is responsible for his or her reassignment. If the Editor-in-Chief removes the Managing Editor, the Editor-in-Chief is responsible for his or her reassignment.
3. The Editor-in-Chief shall appoint a replacement within ten (10) days.

Section 3.04. Removal of the Editor-in-Chief.

1. The general membership must vote to remove the Editor-in-Chief
 1. A meeting to vote on the removal of the Editor-in-Chief may be called in two ways:
 1. by a petition signed by three-fourths (3/4) of the general membership of The Journal (excluding the Editor-in-Chief);
or
 2. by a two-thirds (2/3) vote of the Editorial Board.
 2. The Editorial Board shall be responsible for coordinating a time and place for the meeting to take place.
 3. The Editor-in-Chief has the right to be heard before the vote of the general membership.
2. A three-fourths (3/4) majority vote of the general membership (excluding the Editor-in-Chief), or a two-thirds (2/3) vote of the Editorial Board shall remove the Editor-in-Chief from the publication.
3. Upon Removal of the Editor-in-Chief, the Executive Editor shall conduct a new vote pursuant to Section 2.02(a). This election shall be open to the Editorial Staff and Editorial Board who are in their second year of membership on The Journal.

Article 4

Emergency Succession

Section 4.01. Resignation of Editor-in-Chief.

If the Editor-in-Chief resigns or is otherwise no longer able to perform his or her duties, the Editorial Board shall convene within five (5) days to select a new Editor-in-Chief. The new Editor-in-Chief shall be selected from the Editorial Board by majority vote. If, after three rounds of voting, the Editorial Board is unable to select a new Editor-in-Chief, a special meeting shall be called within three (3) days where all Members of The Journal in good standing shall select a new

Editor-in-Chief in accordance with Section 2.02. Only Editorial Board Members may be candidates.

Section 4.02. **Selection Pool.**

The new Editor-in-Chief shall fill the vacancy created on the Editorial Board within ten (10) school days.

Article 5

Ratification and Amendment

Section 5.01. **Ratification.**

These Bylaws shall be deemed ratified and adopted upon certification by the Incorporators of The Pennsylvania Technology Law and Policy Foundation, Inc.

Section 5.02. **Amendment.**

1. Any Journal Member may propose an amendment to these Bylaws by submitting the proposed amendment in writing to the Editorial Board for consideration at a meeting of the general membership. Such meeting shall not be held for at least ten (10) days after the amendment is submitted.
2. A proposed amendment of these Bylaws shall be deemed adopted and will become effective upon 1) the affirmative vote of two-thirds (2/3) of those Members of The Journal attending a meeting of all Members called to vote on its ratification (a quorum consisting of two-thirds (2/3) of the general membership must be present for a vote to be taken), and 2) upon approval of the Board of Directors of The Pennsylvania Technology Law and Policy Foundation, Inc. (a quorum must exist as defined in the Bylaws of the Pennsylvania Technology Law and Policy Foundation, Inc.).