

**THE TENNESSEE JOURNAL OF LAW AND
POLICY**

Policy Manual 2016-2017

Approved _____

University of Tennessee College of Law
1505 West Cumberland Avenue
Knoxville, Tennessee 37996-1801

TABLE OF CONTENTS

I.	What is the Tennessee Journal of Law and Policy?	2
a.	Mission Statement	
b.	Vision Statement	
II.	Attaining membership on the Tennessee Journal of Law and Policy	2
a.	Pre-requisites for candidacy	
b.	Becoming a candidate	
c.	Candidacy process summary	
d.	Components of the candidacy process	
e.	New member orientation	
f.	Membership for candidates in extraordinary situations	
III.	Maintaining membership on the Tennessee Journal of Law and Policy	9
a.	Tennessee Journal of Law and Policy staff member commitments	
b.	Enforcement policy	
IV.	Tennessee Journal of Law and Policy Executive Editorial Board	15
V.	Tennessee Journal of Law and Policy publication process	25
a.	Article Selection	
b.	Stack Checking and Editing	
c.	Gender-Neutral Language	
d.	Student-Written Materials	
e.	Non-Member Student Written Materials	
f.	Articles on Tennessee Law and Policy	
VI.	Tennessee Journal of Law and Policy office management	26
a.	Offices	
b.	Phones	
c.	Mailboxes	
d.	Computers	
VII.	Amending this manual	28
	APPENDIX A – A STACKCHECKER’S GUIDE TO THE TJLP	
	APPENDIX B – ADMINISTRATIVE HOURS	
	APPENDIX C – COMMENT REQUIREMENTS	
	APPENDIX D – PUBLICATION SCHEDULE	
	APPENDIX E – EDITING AND PUBLICATION PROCESS	
	APPENDIX F – MODEL EXECUTIVE EDITORIAL BOARD INTEREST FORM	
	APPENDIX G – SAMPLE AUTHORITY NOT FOUND (ANF)	
	APPENDIX H – SAMPLE PHOTOCOPY REIMBURSEMENT FORM	
	APPENDIX I – PROOFREADING MARKS	
	APPENDIX J – PARTNERSHIP WITH ADVOCACY CENTER	
	APPENDIX K – STUDENT SHOWCASE ARTICLE	

I. What is the Tennessee Journal of Law and Policy?

a. Mission Statement

The Tennessee Journal of Law and Policy is a non-partisan journal of law and public policy scholarship published by the students of the University of Tennessee College of Law. The Journal will advance the public discourse by providing the academic community, the legal profession, policymakers, journalists, and students with innovative and insightful scholarly works that encourage a deeper understanding of the role of law and policy in American life.

b. Vision Statement

The Tennessee Journal of Law and Policy will seek to be an abundant resource of information on the role of law and public policy by providing bi-annual issues, in both print and electronic media, regarding regional and national issues. The Journal will strive to be an independent organization within the University of Tennessee's College of Law and will compete with other scholarly publications to attract articles written by leading experts and law students who seek to further the public's knowledge and understanding of the convergence of law and public policy.

II. Attaining membership on the Tennessee Journal of Law and Policy

There are two (2) paths to membership to the Journal: (1) Research Assistant Candidacy Process and (2) Write-On Candidacy Process.

a. Pre-requisites for candidacy

To be eligible for membership on the Tennessee Journal of Law and Policy, a candidate must satisfy the following requirements:

i. JD-only candidates:

- a. Have completed all first-year fall semester course requirements before engaging in the Research Assistant Candidacy Process and must have completed all first-year course requirements to remain on the Journal and be eligible for second-year courses to be taken in the fall semester of the next academic year or have been granted variances by the Dean's office of no more than one course per semester or two courses during the student's first two semesters of academic study;

- b. Have completed all first-year, first-semester course requirements to engage in the Write-On Candidacy Process;
- c. Be in good academic standing upon completion of the first and second semester of academic study to be shown by presentation to the Journal’s Editor-in-Chief of a “Certificate of Good Standing” that is obtained from the College of Law’s Records Office upon acceptance into the Candidacy Process;
- d. Be able to serve the remainder of College of Law academic career. Candidates must be officially enrolled in the College of Law; however, a student meets this requirement even if all or most of his or her classes are taken in another department of the university as part of a joint degree program. The second of the two years must be a year in which the bulk of the student’s courses are law school courses. Any exceptions to this requirement must be approved by the Editor-in-Chief and both faculty advisors.

ii. Four-year joint degree candidates:

Those candidates pursuing a joint degree program have until the academic year prior to completion of their joint degree program to enter the candidacy process.

b. Becoming a candidate

i. Entering the candidacy process

A student may enter the candidacy process only once per twelve-month period.

ii. Effect of picking up a candidacy packet

The triggering event for entering the candidacy process is picking up the candidacy packet.

iii. Re-entering the candidacy process

The only circumstance under which a student may enter the candidacy process twice in a twelve (12) month period is if:

- 1. During the first attempt at candidacy the student experiences a medical or family emergency

which includes, but is not limited to, such events as serious illness (including a doctor's explanation), birth of a child, etc., and;

2. The student obtains the Editor-in-Chief's approval for an extension due to this emergency prior to the next due date within the candidacy process.

c. Research Assistant Candidacy Process Summary

i. Distribution of candidacy materials

Prior to fall semester exams candidacy packets are distributed to eligible students who plan to participate in the candidacy process that year. The packet contains the information candidates need to complete the process. Further, the candidacy packet supersedes the policy manual in the event of a conflict.

Picking up a candidacy packet triggers official entrance into the Tennessee Journal of Law and Policy candidacy process. The process may be entered into by any student only once in any twelve (12) month period, unless a candidate is excused from completion of the process as noted under § II.b.iii.

ii. Bluebook Exam

On a date designated by the Candidacy Process Editor, following the distribution of the candidacy packet, the candidates will be required to complete and submit a Bluebook Exam with a passing score of at least 75% competency rate.

iii. Case Synopsis Selection

On a date designated by the Candidacy Process Editor, following the distribution of the candidacy packet, candidates will choose on a first-come-first-selection basis among cases pre-selected by the Executive Editorial Board on which to write a case synopsis.

iv. Components of the Case Commentary

The Case Commentary portion of the RA candidacy process serves two purposes: (1) it tests the candidate's ability to write a scholarly analysis of a controversial or landmark case's effect on an area of law, and (2) it provides valuable practice with the Bluebook and the Texas Law Review Manual on Usage, Style & Editing, which

will enhance the candidate's ability to perform the editorial skills required of a TJLP staff member.

To receive an offer for membership on the TJLP, a candidate must submit a case commentary of "publishable quality." Overall, a commentary of publishable quality will be useful to journal readers who are interested in how and why the case was decided, as well as its potential effect on law and policy. A commentary of publishable quality will also demonstrate the candidate's:

- knowledge of the subject matter in the case;
- ability to summarize key points while also giving attention to nuances of complicated policy issues;
- supportable articulation of the case's effect on practice or policy
- effective use of structural organization;
- ability to select and cite key passages from the case, as well as citing researched sources accurately when applicable;
- ability to write in a cohesive, interesting, and when possible, innovative manner.

The case commentary should adhere to the following format:

- Title, including case citation
- Summary Paragraph, giving legal background from which the main issue arises (i.e., if a state supreme court granted certiorari, what is the background behind the legal split, confusion, or unanswered question that the court needed to solve?)
- Fact Paragraph
- Explanation of Court's Conclusions & Rationale (usually a paragraph or two for each key point)
- Analysis (one to two paragraphs, including why this case is important in light of the legal background and issue; if possible, note the practical consequences of the case for attorneys and for policy considerations)
- Conclusion
- Citation Endnotes

The primary source for a case commentary is the case itself, and candidates must demonstrate the ability to interpret and represent the court's reasoning accurately while using quotations sparingly. No other sources are required, but candidates are free to consult statutes, cases, and law review articles cited in the case. If

candidates include information from these sources, they must cite according to Bluebook standards.

All forms of citations, punctuation, abbreviation, etc., in the case commentary case and/or policy note are governed by the Bluebook. Style and grammar are governed by the Texas Law Review Manual on Usage, Style & Editing. The case commentary manuscript, both text and endnotes, must be triple spaced on 8 ½ x 11 inch paper. A case commentary will be at least 8 pages and not exceed 10 pages triple-spaced and be of publishable quality. Endnotes should begin on a new page following the text. End notes are not included in the 8 to 10-page total.

The candidate must submit two copies of the completed case commentary to the TJLP Office by the announced deadline. Every page of the commentary must contain the candidate's anonymous number. Both copies of the case commentary must be delivered to the TJLP office by 5:00 p.m. on the announced due date. These materials may be shipped via Federal Express **to be received** in the TJLP Office by the announced due date. Facsimile or electronic copies will not be accepted. Due to the strict confidentiality and honor requirements of the candidacy process, candidates (1) can turn in their own materials to the Records Office, or (2) have their materials delivered by Federal Express or (3) have a person who is not a member of the current TJLP staff deliver the materials to the TJLP Office. **Never, under any circumstances, should a candidate submit materials to any current member of the TJLP staff.**

If the candidate believes that he or she has a valid reason for submitting a late case commentary, such as a death or serious illness in the family, the candidate must contact the Managing Editor ("ME") as soon as the candidate believes that he or she may need an extension, and in no circumstances later than 5:00 p.m. on the announced due date. Extensions will be granted in only the most extreme circumstances. The ME will consult with the Editor-in-Chief ("EIC") while maintaining the anonymity of the candidate as to whether to grant the extension. Only the EIC may grant extensions, and he or she will do so only after the ME has spoken directly (either in person or by phone) with the candidate, as long as that is physically possible.

Candidates may hire typists; however, it must be made clear to the typists that they are to type **exactly** what the candidate gives them. Typists are to make no "corrections" to the text of the candidates' case commentary. Students may also make use of the University's computer labs. Candidates typing their own manuscripts must be

able to observe Bluebook form and case and/or policy note format requirements; for example, underlining, page numbering, triple-spacing, endnotes, etc.

During the research process, candidates are free to use any library resource, including computer-assisted legal research such as Westlaw or LEXIS.

Candidates may not contact anyone other than their CPAs or the ME regarding the case itself or any attendant issue. This requirement acts to preserve the integrity of the Tennessee Journal of Law and Policy while ensuring that candidates do not spend valuable time pursuing false leads.

Each case commentary will be graded anonymously by the Executive Editorial Board, and if any grade is in question between passing and failing, the EIC may consult with one of the faculty advisors as an additional reviewer. The graders will assign one of three possible grades: pass/publish, pass, or fail. To pass, the candidate's submission must be of publishable quality.

v. Candidacy Process Assistants ("CPAs")

Each candidate works with a Candidacy Process Assistant during the candidacy process. CPAs, however, may give only limited assistance to the candidates on the case synopsis. CPAs may answer only general questions about correct Bluebook citations, research strategies, and ideas for the development, organization or structure of the case synopsis. CPAs may not edit or otherwise review the candidate's work.

The Managing Editor assigns CPAs to candidates and/or allows candidates to choose their own CPAs. The number of candidates assigned to a CPA will vary from year to year depending upon the number of candidates and CPAs. Before the end of the fall semester, each CPA must exchange address and telephone number with each assigned candidate.

Executive Editorial Board members will grade the case synopsis.

vi. Selection of Members

The Research Assistant Candidacy Process concludes with submission of a case synopsis, generally by early spring with an invitation to membership to be offered before the last official staff meeting of the spring semester. The Tennessee Journal of Law and Policy does not establish a target number of new members who will be selected each year. Every student who

successfully completes the candidacy process will be offered membership on the Tennessee Journal of Law and Policy staff. A candidate must accept membership in writing.

THE PROCESS MAY BE ENTERED INTO BY ANY STUDENT ONLY ONCE IN ANY TWELVE (12) MONTH PERIOD, UNLESS A CANDIDATE IS EXCUSED FROM COMPLETION OF THE PROCESS AS NOTED UNDER § II.B.III.

d. Summer Candidacy Process Summary

i. Distribution of candidacy materials

Prior to spring semester exams, candidacy packets are distributed to eligible students who plan to participate in the candidacy process that year. The packet contains the information candidates need to complete the process. Further, the candidacy packet supersedes the policy manual in the event of a conflict.

Picking up a candidacy packet triggers official entrance into the Tennessee Journal of Law and Policy candidacy process. The process may be entered into by any student only once in any twelve (12) month period, unless a candidate is excused from completion of the process as noted under § II.b.iii.

ii. Bluebook Exam

On a date designated by the Candidacy Process Editor, following the distribution of the candidacy packet, the candidates will be required to complete and submit a Bluebook Exam with a passing score of at least 75% competency rate.

iii. Case and Policy Note Selection

On a date designated by the Candidacy Process Editor, following the distribution of the candidacy packet, candidates will choose on a first-come-first-selection basis among cases and/or policy notes pre-selected by the Executive Editorial Board on which to write a case and/or policy note.

iv. Components of the Note

The case and/or policy note portion of the candidacy process serves two purposes: (1) it tests the candidate's ability to research and write a scholarly legal article, and (2) it provides valuable practice with the Bluebook and the Texas Law Review Manual on

Usage, Style & Editing that will enhance the candidate's ability to perform the editorial skills required of a TJLP staff member.

To receive an offer for membership on the TJLP, a candidate must submit a case and/or policy note of "publishable quality." Memoranda contained in the candidacy packet explain the criteria for a case and/or policy note of publishable quality. In addition, the case and/or policy note must adhere to the following format:

- Title;
- Fact Paragraph;
- Issue Sentence or Paragraph;
- Development Section;
- Analysis Section; and
- Conclusion

All forms of citations, punctuation, abbreviation, etc., in the case and/or policy note are governed by the Bluebook. Style and grammar are governed by the Texas Law Review Manual on Usage, Style & Editing. The case note manuscript, both text and endnotes, must be triple spaced on 8 ½ x 11 inch paper. A case and/or policy note will be at least 21 pages and not exceed 25 pages triple-spaced and be of "publishable quality." Endnotes should begin on a new page following the text. Endnotes are not included in the 21 to 25-page total.

The candidate must submit two copies of the completed case and/or policy note to the TJLP Office by the announced deadline. The candidate must also submit a research notebook, which will contain a copy of every authority cited in the case and/or policy note. Every page of every case and/or policy note and the cover of each research notebook must contain the candidate's anonymous number.

In the research notebook, all cases must be copied in their entirety, although the candidate may limit copies of statutes to the sections cited, as opposed to a chapter or larger division. For treatises, other books, and periodicals, the candidate must copy whatever was relied upon in writing the case or legislative note. The candidate must include all pages (including title and copyright pages) necessary to obtain a full Bluebook cite of the source. Candidates must not submit LEXIS or Westlaw printouts for sources unless the source is otherwise unavailable. If a Westlaw or LEXIS printout is used, the candidate must ensure that his or her name or other identifying information is not included on the printout.

Both copies of the case and/or policy note and one copy of each authority must be delivered to the TJLP office by 5:00 p.m. on the announced due date. These materials may be shipped via Federal Express **to be received** in the TJLP Office by the announced due date. Facsimile or electronic copies will not be accepted. Due to the strict confidentiality and honor requirements of the candidacy process, candidates (1) can turn in their own materials to the Records Office, or (2) have their materials delivered by Federal Express or (3) have a person who is not a member of the current TJLP staff deliver the materials to the TJLP Office. **NEVER UNDER ANY CIRCUMSTANCES SHOULD A CANDIDATE SUBMIT HIS/HER MATERIALS TO ANY CURRENT MEMBER OF THE TJLP STAFF!**

If the candidate believes that he/she has a valid reason for submitting a late case and/or policy note, such as a death or serious illness in the family, the candidate must contact the Managing Editor as soon as the candidate believes he/she may need an extension, and in no circumstances later than 5:00 p.m. on the announced due date. Extensions will be granted in only the most extreme circumstances. The Managing Editor will consult with the Editor-in-Chief while maintaining the anonymity of the candidate as to whether to grant the extension. Only the Editor-in-Chief may grant extensions, and he/she shall do so only after the Managing Editor has spoken directly (either in person or by phone) with the candidate, as long as that is physically possible.

Candidates may hire typists; however, it must be made clear to the typists that they are to type **exactly** what the candidate gives them. Typists are to make no “corrections” to the text of the candidates’ case and/or policy note. Students may also make use of the University’s computer labs. Candidates typing their own manuscripts must be able to observe Bluebook form and case and/or policy note format requirements; for example, underlining, page numbering, triple-spacing, endnotes, etc.

When writing the case and/or policy note, candidates should research thoroughly and accurately. The purpose and structure of a case and/or policy note should always be kept in mind. During the research process, candidates are free to use any library resource, including computer-assisted legal research such as Westlaw or LEXIS.

A candidate may not contact anyone other than his/her CPA or the Managing Editor regarding the case and/or policy itself or any attendant issue. This requirement acts to preserve the integrity of the Tennessee Journal of Law and Policy while ensuring that

candidates do not spend valuable research time pursuing false leads.

Each case and/or policy note will be graded by the Executive Editorial Board, and the grades will be reviewed by the faculty advisors. The graders will assign one of three possible grades: pass/publish, pass, or fail. To pass, the candidate's submission must be of publishable quality. Publishable quality generally means that the submission conforms to the following:

1. Demonstrates knowledge of the subject matter;
2. Demonstrates thorough research skills and correct use of citation form;
3. Articulates a defensible argument;
4. Demonstrates effective use of structural organization;
5. Concisely identifies and discusses relevant issues; and
6. Presents discussion in an interesting or innovative manner.

v. Candidacy Process Assistants ("CPAs")

Each candidate works with a Candidacy Process Assistant during the candidacy process. CPAs, however, may give only limited assistance to the candidates on the case and/or policy note. CPAs may answer only general questions about correct Bluebook citations, research strategies, and ideas for the development, organization or structure of the case and/or policy note. CPAs may not edit or otherwise review the candidates' work.

The Managing Editor assigns CPAs to candidates and/or allows candidates to choose their own CPA. The number of candidates assigned to a CPA will vary from year to year depending upon the number of candidates and CPAs. Before the end of the spring semester, each CPA must exchange address and telephone number with each assigned candidate.

Executive Editorial Board members will grade the case and/or policy note.

vi. Selection of Members

The Candidacy process concludes with submission of a case or policy note, generally by August 1, with an invitation to membership to be offered before the first day of the fall semester. The Tennessee Journal of Law and Policy does not establish a target number of new members who will be selected

each year. Every student who successfully completes the candidacy process will be offered membership on the Tennessee Journal of Law and Policy staff. A candidate must accept membership in writing.

THE PROCESS MAY BE ENTERED INTO BY ANY STUDENT ONLY ONCE IN ANY TWELVE (12) MONTH PERIOD, UNLESS A CANDIDATE IS EXCUSED FROM COMPLETION OF THE PROCESS AS NOTED UNDER § II.B.III.

e. Ethical standards

Throughout the candidacy process, the anonymity of the candidates is strictly guarded. At the beginning of the process, candidates are assigned an anonymous number that will identify them throughout the program. For administrative reasons, the Managing Editor will maintain records on all students and thus will be the only person who can identify a candidate by his/her number. The Managing Editor shall not participate in grading the Bluebook exam or the case note and/or policy note.

f. Candidacy Grading Process

The Candidacy Process Editor (“CPE”) will compile the initial grades for each submission. The Editor-in-Chief (“EIC”) will review all graded exams. If the grader and the EIC both determine that a written component is of questionable quality, the EIC will consult a faculty advisor to serve as a third reviewer. In consultation with the faculty advisor and the original grader, the EIC will make the final determination.

Following the final review by the EIC, the CPE will compile the grades. Candidates whose submissions passed both the both the Blue Book Exam and the Written Component will be offered membership on the TJLP. The CPE will notify passing candidates by letter or e-mail. Successful candidates will be sent a commitment letter that the candidate must sign and return to accept the offer of membership on the TJLP staff.

Determinations of whether a particular candidate has passed or failed the candidacy process are final. Great care is taken in making such a decision, and therefore, those decisions will be respected. Any candidate failing one or more requirements of the candidacy process may make an appointment to meet with the EIC after the beginning of the fall semester to discuss generally what mistakes were made that resulted in failure. This meeting is meant

to help the candidate with future expository writing and also with any future application to TJLP or another journal the following year. Further, new members will be given an opportunity in the early fall to meet with the EIC, to go over, in general terms, the evaluations of their note. With the exception of the Note chosen for publication (see below), the EIC will not reveal comments from specific graders or grades actually received.

Whenever possible and at the judgment of the Executive Board, one of the candidates' written submissions from each process will be selected for publication in an upcoming issue of the journal. If the chosen submission's author agrees to publish, the author will meet with the EIC to discuss specific ideas for development and revision. The student author may also work with a faculty advisor to prepare the submission for publication.

g. New member orientation

When the fall semester begins, the TJLP Executive Editorial Board conducts a new-member orientation program that all new TJLP members must attend. At this orientation, new members will receive instruction on stack-checking, proofreading, and editing. The orientation may include instruction regarding specialized computer-assisted legal research methods.

Executive Editorial Board members required to attend the orientation sessions include the Editor-in-Chief, Executive Editor, Research Editor, Candidacy Process Editor, Candidacy Process Assistants. The Managing Editor, Publications Editor, Articles Editor and Symposium Editor are encouraged, but not required, to attend.

h. Membership for candidates in extraordinary situations

Candidates unable to participate in the TJLP's Candidacy process may be eligible for membership on the TJLP at the discretion of the Editor-in-Chief, the Managing Editor, and the faculty advisors. Candidates in these extraordinary situations will be evaluated on a case-by-case basis.

III. Maintaining membership on the Tennessee Journal of Law and Policy

Recognition as a member of the TJLP requires mandatory completion of membership responsibilities for the remainder of a member's academic career at the College of Law.

a. Tennessee Journal of Law and Policy staff member commitments

i. Responsibilities of Members

- a. Completing all stack-checking and proofreading assignments by the assigned day and according to the requirements outlined in Appendix A;
 - b. Completing editorial and administrative tasks assigned by the ME according to the requirements outlined in Appendix B;
 - c. Assisting in the completion of other TJLP tasks such as random cite-checking, proofreading, annual index compilation, and office correspondence;
 - d. Attending mandatory TJLP meetings each month during the semester, and any other meeting which the EIC or ME designates as mandatory;
 - e. Completing any other tasks assigned by the EIC, ME, or RE.
- ii. Responsibilities of Editors-At-Large
- a. Stack-checking and proofreading articles as assigned by the EIC each semester;
 - b. Submitting a Comment by the assigned deadline according to the guidelines in Appendix C;
 - c. Attending mandatory TJLP meetings each month during the semester; and any other meetings that the EIC or ME designates as mandatory; and
 - d. Completing any other tasks assigned by the EIC or ME.
- iii. Responsibilities of the Executive Editorial Board members and CPAs
- a. Serving in an appointed position of the Executive Editorial Board or as a CPA, carrying out the responsibilities enumerated in the Executive Editorial Board and CPA portions of this manual;
 - b. Attending mandatory TJLP meetings each month, and any other meetings that the EIC or ME designates as mandatory; and

- c. If appointed to the Executive Editorial Board, attending all board meetings, which will be held at least once a month, or as otherwise scheduled by the EIC.

- iv. Summer duties

The responsibilities associated with TJLP membership do not end during the summer. All members, staff and Board alike, are required to continue to perform the duties of their positions throughout the summer during their years of membership. This requirement is the same for all members, regardless of their summer locations or positions.

- v. Visiting students

TJLP members visiting other law schools should contact the EIC, who will attempt to arrange a reciprocal agreement with the other school. All situations involving a member visiting another school will be handled on a case-by-case basis by the EIC.

Students visiting UT College of Law who are members of a law and policy journal at another law school shall be accepted as members of the TJLP. Such member shall be assigned by the EIC to complete all Member duties. Such member shall be eligible to apply for an Editor-at-Large position.

- b. Enforcement policy

- i. Statement of purpose

This policy was designed in recognition of the fact that publication of this Journal requires that all staff carry out their duties in a timely and satisfactory fashion in accordance with the high standards of accuracy and responsibility.

- ii. Acts and Omissions Meriting Sanction

The following acts or omissions **shall** result in sanctions:

1. Failure to meet any article deadline imposed by the EIC or other Board member;
2. Failure to complete a stack-check with satisfactory accuracy and timeliness as explained and defined in Appendix A;

3. Failure of any Board member to satisfactorily complete any assigned task or responsibility outlined in this policy manual;
4. Failure to attend any mandatory meeting without prior notice to the EIC or the ME;
5. Refusal by any member to perform any reasonable request made by any Board member in furtherance of the TJLP's purposes;
6. Any form of physical violence or verbal abuse by a member while they are representing the TJLP or acting in any TJLP capacity;
7. Unprofessional or disrespectful conduct while interacting with other TJLP members, staff or the faculty or staff of the law school or University, or any other person in our community while purporting to represent the TJLP;
8. Reckless or intentional destruction of TJLP, University, or personal property while purporting to represent the TJLP;
9. Failure to comply with any other policy or requirement set out in this manual;
10. Any act or omission that would constitute a violation of the College of Law's Code of Academic Conduct or Memorandum of Writing Standards; and
11. Any misconduct during the candidacy process that renders the candidate originally ineligible and that is not discovered until after membership is granted. Any misconduct or misinformation as to the candidacy process which, when later discovered, renders a member originally ineligible for membership will be grounds for immediate termination of membership and renders any offer of membership void ab initio.

iii. Sanctions and Procedures

1. Any member may report a violation of any of the foregoing policies to the EIC or ME.
2. Upon report of a first violation of any of the foregoing policies, the EIC and ME shall meet with the member allegedly in violation to discuss the matter. If the EIC and

ME determine that the member has performed an act or omission meriting sanction and there has been no prior qualifying excuse for the act or omission, then the EIC and ME shall jointly issue a **verbal warning** to the member. A notice of issuance of a verbal warning will be placed in the member's file with an explanation of the act or omission, the date of the warning, the nature of any remedial measures taken, and the nature of the member's response to the disciplinary action.

3. Upon report of a second violation of any of the foregoing policies, the EIC and ME shall meet with the member allegedly in violation to discuss the matter. If the EIC and ME determine that the member has performed an act or omission meriting sanction and that there has been no prior qualifying excuse for the act or omission, then the EIC and the ME shall issue a **written** warning to the member. The written warning will outline the violation and will be signed by the EIC, ME, and the member.
4. Upon report of a third violation of any of the foregoing policies, the EIC shall convene a meeting of the Executive Editorial Board. The member in question will have written notice of the meeting and the allegation made against him/her. Furthermore, the member in question will be afforded the opportunity to appear and be heard, after such time the member shall leave the meeting. If the Board then determines, by a 2/3 vote via secret ballot, that the member has performed a third act or omission meriting sanction and that there has been no qualifying excuse for the act or omission, the Board shall issue a **notice of exclusion from membership**. This notice will outline the violation and indicate the decision of the Board and will be signed by the EIC.

The EIC may convene a meeting of the Board for review of particularly egregious infractions by a member, without waiting for a third infraction, for the purpose of determining exclusion of membership due to the egregious behavior. The EIC and the Board need not wait until there is a third infraction for the exercise of exclusion for egregious behavior.

5. Appeal. Following exclusion the excluded member may appeal in writing to both faculty advisors. The faculty advisors shall have access to the member's TJLP file. If the student or faculty advisors so request, the faculty

advisors shall meet with the excluded member. A member will be reinstated only upon a three-fourths majority vote by the faculty advisors, the EIC, and ME in favor of reinstatement.

6. Termination of Membership. Upon exclusion of a member, the EIC shall contact the College of Law Records Office to revoke the membership.

Once excluded, a former member may indicate previous participation in the TJLP only by limiting the reference to the time period during which he/she was a member (e.g., The Tennessee Journal of Law and Policy, Member August, 2003 – January, 2004). The TJLP reserves the right to contact any party or organization to whom a contrary representation is made.

7. Removal of Board Member – The EIC may unilaterally remove any Board member or CPA, except the ME, who is independently elected, from his or her editorial position. Removed Board members automatically become Editors-at-Large and must complete the corresponding duties except for the responsibility described in section III(a)(ii)(b) of this manual. Like appointment, removal from a Board position is non-reviewable.

iv. Definitions

1. Failure – A failure to take action occurs when the assigned work product is not completed or turned in at the assigned time and the EIC has not approved an extension of a deadline in advance or there is no qualifying excuse.
2. Mandatory Meeting – A mandatory meeting is any of the monthly meetings of all TJLP members, as well as any other meeting which when posted is designated as mandatory. The EIC shall provide TJLP staff and the Executive Editorial Board with written notice of a mandatory meeting one week prior to the mandatory meeting.
3. Qualifying Excused Failure – A qualifying excused failure is a failure (as defined above) for which the member has received **prior** approval from the EIC or other responsible Board or staff member. All requests for deadline extensions should be submitted prior to the deadline. The

only cases in which prior approval is not necessary are as follows:

- a. A personal medical emergency that renders the member unable to communicate with the TJLP;
- b. A medical emergency within the member's immediate family that renders the member unable to communicate with the TJLP.

In both of these cases, the member must seek approval for the failure as soon as possible.

IV. Tennessee Journal of Law and Policy Executive Editorial Board

- a. Following completion of a Member's first-year responsibilities, a Member who elects to become an Editor-at-Large must submit a Comment of publishable quality, according to the guidelines in Appendix C; and

- vi. December graduates

A TJLP Editor-at-Large planning to graduate in December must submit a Comment that meets the guidelines in Appendix C and attend all mandatory meetings.

- b. TJLP Editorial Positions, Function, and Selection

- i. Responsibilities of Each Board Position

1. Editor-in-Chief

The Editor-in-Chief (EIC) bears final responsibility for the creation of the Tennessee Journal of Law and Policy. The EIC is responsible for communicating with authors regarding unsolicited and solicited articles, making offers to publish articles, committing articles to each issue during his/her tenure, organizing and assigning articles to the Research Editor, setting an editorial schedule for the articles, editing the articles, putting the articles into a publishable format, and distributing each issue. It is the EIC's job to do, or to delegate, everything necessary for the publication of the Tennessee Journal of Law and Policy. The EIC is also responsible for selecting other board members, assigning responsibilities to all TJLP members, making daily policy decisions, considering disciplinary policies and issuing sanctions when necessary, representing the TJLP at any function involving the law school community or broader legal community, securing a speaker

for the TJLP banquet, working with TJLP candidates during the candidacy process, and other supervisory functions.

The EIC is responsible for consulting the faculty advisors on policy matters.

In the event of the temporary incapacity of the EIC, the Managing Editor will oversee and carry out the EIC's administrative, disciplinary and enforcement duties. In the event of the temporary incapacity of the EIC, the Research Editor will oversee all editing functions, including but not limited to, dealing with authors and approving final edits. In the event of the permanent incapacity of the EIC, the Managing Editor becomes the new EIC, and the new EIC appoints a new Managing Editor. The faculty advisors determine whether the EIC's incapacity is temporary or permanent.

2. Managing Editor

The Managing Editor (ME) is responsible for the administrative activities required to keep the TJLP running smoothly. The ME maintains a file for each TJLP member. This file, much like a personnel file, contains reports of current activities, any awards and honors relating to the TJLP, and any reports of disciplinary action and sanctions. Any TJLP member has the right to examine, but not alter, his or her file at any reasonable time, by meeting with the ME.

The ME also performs any necessary editing and proofreading functions as assigned by the EIC or the Research Editor, and assists the EIC in policy and editorial decisions.

The ME supervises the Research Editor's planning and administration of the TJLP Candidacy process. The ME is also responsible for directly overseeing any special committees or special projects.

The ME plans and schedules the orientation program for new TJLP members each year. This involves scheduling speakers, planning and approving LEXIS and Westlaw training, and preparing materials.

The ME organizes, schedules, and plans any administrative assignments for Members. The ME also schedules and plans any TJLP meetings, the annual group picture, the annual TJLP banquet, and any other TJLP functions.

3. Publication Editor

The Publication Editor (PE) assists the EIC and Research Editor in editing articles published by the TJLP for both technical and stylistic errors, as well as for continuity among articles.

The PE is responsible for receiving the accepted article from the author and properly preparing the article for editing. In accordance with this preparation, the PE must ensure that back-up copies are kept of each article. The PE distributes the formatted article to the Research Editor.

The PE tracks Authorities Not Found for each article. He/she collects ANF forms, handles requests for inter-library loans, and ensures that ANF problems are resolved by the appropriate editor.

The PE collects stack-checked articles from the Research Editor. Working with the Research Editor, he/she resolves any stack-checking problems that may arise. Once the stack-checking process is complete, the PE formats the article in pages form.

The PE is responsible for formatting the articles in final form. This includes ensuring that all pages are present and in proper order, formatting the masthead, and making any final changes to the article. The PE will submit the formatted article to the EIC for final edits and publication approval.

The PE is also responsible for maintaining the TJLP website. This includes ensuring that the website displays the current issue of the TJLP and any additional content approved by the Executive Editorial Board.

The PE is also responsible for undertaking efforts to expand TJLP's distribution. This includes, but is not limited to, building, maintaining and expanding the TJLP circulation list.

The PE is also responsible for archiving each issue of the TJLP.

The PE also performs additional duties as assigned by the EIC or the Executive Editorial Board.

4. Research Editor

The Research Editor (RE), in conjunction with Deputy Research Editors (CPA), is responsible for the conversion of a committed manuscript into a publishable article. The RE receives an editable version of an article from the PE in triple-spaced format. The RE meets with the CPAs, assigns an article to each CPA, distributes copies of the assigned article to each CPA, and gives preliminary instructions.

The RE meets with the EIC to set deadlines for each article (e.g., ANF list due to RE; stack-check deadline; master edit deadline; and any other appropriate deadlines).

Once the RE receives completed stack-checks from the CPAs, he/she creates a hard copy master edit that incorporates the edits. If the RE discovers discrepancies in the stack-check, he/she returns that portion of the article to the CPAs for further stack-checks. Once the RE compiles a master edit, he/she personally inputs those changes into a typed master edit. This master edit then goes to the PE.

The RE is responsible for collecting candidates' case or legislative notes submitted for the Candidacy process from the EIC and ME. After collecting the candidates' submissions, the RE will distribute submissions to the CPAs for grading in a manner that ensures the anonymity of each candidate. The RE is responsible for collecting the final graded submissions from the faculty advisors and CPAs and reporting the grades to the EIC.

The RE will perform additional duties as assigned by the EIC and the ME.

5. Articles Editor

The Articles Editor (AE) is responsible for reading every article the TJLP receives and considers for publication. The AE begins reading articles as soon as he/she is appointed and reads throughout the year. The AE is assigned articles as they arrive. He/she then reads the

article and completes an assessment form. Based on the AE's recommendation, the EIC and ME will consider whether to accept, reject, or send the article on to a faculty advisor for further review. Before an article is sent to a faculty advisor, the AE calls the article's author to determine if the article is still available for publication. The AE is responsible for tracking the progress of each article through the publication process.

The AE is responsible for the supervision of the TJLP article solicitation effort. The AE has the authority to initiate disciplinary action against any TJLP Member who fails to fulfill his/her article solicitation responsibilities.

The AE may also be assigned additional duties by the EIC or ME.

6. Deputy Research Editors

Deputy Research Editors (CPAs) are hybrid editorial staff. They report to the RE. Although CPAs do not have a vote, they may attend Executive Editorial Board meetings.

The CPAs are responsible for coordinating stack-checking activities undertaken by his/her assigned Members. The CPAs assign Members to stack-check and edit a portion of the assigned article. The CPA is then responsible for collecting and synthesizing their Members' edits and stack-checks. Once the CPA has synthesized their assigned Members' edits, the CPA will submit the edited article to the RE.

Upon receiving completed stack-checks, the CPA must complete a "Reverse Stack-Check Form" for each stack-checker. This form evaluates the Member's performance and provides an opportunity for valuable feedback. This form must be completed and returned to the stack-check teams. CPAs may also be assigned additional proofreading and other duties as necessary by the EIC.

CPAs are responsible for completing the Candidacy process responsibilities. CPAs serve as advisors to TJLP candidates as described in the Candidacy process of this manual. This includes meeting with candidates during the spring semester and being available throughout the program for questions and advice. Each CPA also grades a

proportionate share of candidate submissions during the Candidacy process.

CPAs may be assigned additional responsibilities by the EIC, the ME, or the RE.

ii. Annual Selection of Board Members

The EIC and ME are elected and all other Board positions are appointed by the EIC.

1. Eligibility

To be eligible to run for EIC or ME, a TJLP member must:

- a. Be in good academic standing during the spring semester of his/her second year of law school;
- b. Be in good TJLP standing; and
- c. Have one and only one full academic year in law school remaining before graduation.

2. Election Procedure and Timeline

Beginning in 2005, the election procedure and timeline shall be as follows:

- a. On February 4, or the first business day thereafter, a mandatory election meeting should be held informing members of election procedures and answering questions regarding all Board positions.
- b. On February 11, or the first business day thereafter, all potential candidates for EIC or ME must submit letters of intent to run for the office of EIC or ME, along with a copy of their resume to be posted for all TJLP members to review. A member may seek only one elected office.
- c. On February 15, or the first business day thereafter, EIC candidates must meet with current Board members and the current EIC for an informal question and answer session. Likewise, ME candidates must meet with current Board members and the current ME for an informal question and answer session.

- d. On February 22, or the first business day thereafter, another mandatory election meeting should be held, during which EIC and ME candidates address the full membership of the TJLP.
- e. On February 23, or the first business day thereafter, a primary election will be held in the TJLP offices. If any candidate receives a majority of all possible TJLP votes for his/her respected office, he/she is elected. If no candidate receives a majority of possible TJLP votes for his/her respected office, a run-off election is held.
- f. On February 24, or the first business day thereafter, a run-off election is held between the top two candidates from the first election for each office. The candidate who receives the majority of votes cast in the run-off election is elected.

3. Candidacy Guidelines

Because the TJLP occupies a position of dignity and respect within the law school and other legal and academic communities, it is imperative that candidates behave professionally and respectfully at all times.

- a. Campaign paraphernalia for any candidate are prohibited.
- b. All candidates shall refrain from slanderous or underhanded tactics, and should remember that whatever the outcome of the election, they will be working together for another year on behalf of the TJLP. Candidates who engage in slanderous or underhanded tactics are subject to disciplinary action, including disqualification from elections.
- c. No candidate for EIC or ME may promise any TJLP member an Executive Editorial Board position in exchange for his/her vote.
- d. Violations of Candidacy Guidelines are subjects to disciplinary action as described in the Sanctions section of this Policy Manual.

A candidate for an elected position includes not only the candidate, but also any person acting as an agent of the candidate upon the candidate's request. Inappropriate activities by an agent of the candidate will be imputed to the candidate.

4. Voting Guidelines

All active TJLP members in good TJLP standing on the date of the election have one vote. All votes are weighted equally. The EIC is ineligible to vote in the first EIC election; the EIC shall vote only in the event of a tie in the EIC run-off election. Likewise, the ME is ineligible to vote in the first ME election; the ME shall vote only in the event of a tie in the ME run-off election.

Voting is done by anonymous, written ballot. Ballots are dropped into a ballot box. Votes will be counted by the outgoing EIC and ME only. No person shall be told of the final vote count or whether the EIC or ME were required to cast tie-breaking votes.

To be elected EIC or ME in the first election, a candidate must receive a majority of all possible votes, not merely a majority of votes cast. This requires a majority of all TJLP members, even those who are not present for the vote, so long as they are members in good TJLP standing on the date of the election.

If no candidate receives a majority of all possible votes in the first election, a run-off election is held the next business day between the top two candidates in the first election for each respective position. In order to become EIC or ME in the run-off election, a candidate must receive only the majority of votes cast in the run-off election. All TJLP members are eligible to vote.

If two candidates tie for the greatest number of votes, only those two candidates may compete in the run-off election. If two candidates tie for the second greatest number of votes, only the candidate receiving the greatest number of votes and the candidates who tie for the second greatest number of votes will compete in the run-off election.

If a Member believes that these election procedures have been violated, they may make a formal complaint to one or both of the TJLP faculty advisors.

5. Notification

The current EIC will notify the EIC and ME candidates of the election results. After the candidates are personally notified, the EIC will post a letter of notification to the TJLP membership and law school community.

iii. Appointment of Board Members

The incoming EIC appoints a TJLP member in good standing to each Board position except the position of ME. All appointments should be completed within two weeks of the election so that transition can begin from the old Board to the new.

To be eligible for Board appointment, Members not enrolled in a joint degree program must be, at the time of the appointment, finishing their second year of law school. Registration for third-year courses the following fall is required. Members enrolled in a joint degree program must at the time of their appointment be finishing at least the second year of that four-year program.

The EIC-elect must advise all members of the procedure he/she plans to use for appointing Board members. A suggested form is attached as Appendix F. All members should complete this form in order to inform the EIC-elect of their eligibility for the various positions.

The EIC-elect should seek advice from the outgoing Board and faculty advisors regarding the timeliness and quality of work of a member under consideration for any position. However, the EIC-elect's decision regarding an appointment is final and is not reviewable by any TJLP or law school body member.

The EIC-elect should meet with members interested in Board positions to discuss the requirement of each position and to assess each member's individual skills. Whatever procedure is used, all interested members must be treated equally.

Once a Board is selected and all nominees have agreed to serve in their respective positions, the EIC-elect should call other interested members to let them know personally that they have not been selected. Finally, a list of incoming Board members should be posted in the TJLP offices. This list should also be provided to the Records Office for posting on appropriate bulletin boards, to the Development Office for inclusion in the

appropriate publications, and to all faculty and administrative personnel.

The EIC-elect has the discretion to create or eliminate positions on the Board. Any decision by the EIC-elect can be reversed upon the election of the next EIC. The EIC-elect has the discretion to create as many or as few CPAs as he/she deems appropriate. The EIC-elect should keep in mind that too many CPAs creates more subjectivity in grading during the Candidacy process, while too few CPAs creates too large a burden for each CPA in grading the case or legislative notes.

iv. Transition from Outgoing Board to Incoming Board

As soon as the incoming Board is in place, transition should begin. Each member of the outgoing Board is responsible for training his or her successor and ensuring continuity of functions within each position. The terms of the outgoing Board officially end at midnight on the day of the spring hooding ceremony. However, each outgoing Board member is responsible for informing the new ME of his or her whereabouts during the summer and must remain available to consult with the new EIC and Board members if necessary. Similarly, prior to the official beginning of their terms, incoming Board members are responsible for undertaking transition duties and all other duties as assigned by the incoming EIC.

The EIC and EIC-elect should meet immediately after the EIC election to begin training and explanation of where the TJLP stands in the production of each relevant volume. The EIC-elect shall also begin to commit articles for the next available issue. The EIC-elect should meet with all members of the outgoing Board to learn about their respective duties. The EIC-elect should also meet with the faculty advisors.

The ME-elect should meet with the outgoing Board and the faculty advisors. The ME-elect should meet with the outgoing ME to learn about filing systems and other managerial functions in which continuity is important. Because the RE administers the Candidacy process, it is vital that all materials, schedules, and decisions relating to the Candidacy process be coordinated with the RE. A meeting to begin scheduling the Candidacy process should take place immediately after the ME's election; the meeting should involve the ME-elect, the outgoing ME, the incoming RE, and the outgoing RE.

The incoming PE must meet with the outgoing PE and learn all procedures for formatting and saving articles. The incoming PE must familiarize himself/herself with all computer programs and technical aspects of the position. The incoming and outgoing PE must work in concert to ensure that the technical and procedural aspects are fully understood by the incoming PE.

The incoming RE should be teamed up with the outgoing RE for the final stack-check of the year, so that once the article is stack-checked, the incoming RE shall be involved in the master edit of each article. The incoming RE should meet with the outgoing RE to discuss policies, procedures, and standards, as well as the Candidacy process.

The incoming AE should be teamed up with the outgoing AE and begin reading articles simultaneously. The incoming AE should read the article and prepare an evaluation form, as should the outgoing AE. Then both should meet to discuss procedures, assessments, and standards of review.

The incoming CPAs should be teamed up with the outgoing CPAs for the final stack-check of the year, so that once the article is stack-checked, the incoming CPAs shall be involved in the master edit of each article. Incoming CPAs should meet with the incoming RE to begin planning for the Candidacy process and should consult with the outgoing RE regarding policies, procedures, and standards.

V. Tennessee Journal of Law and Policy publication process

The Tennessee Journal of Law and Policy receives both solicited and unsolicited articles from authors. Articles accepted by the TJLP for publication are put through a multi-step editing and publication process that is outlined in the flowchart in Appendix D. In addition, the TJLP has adopted certain policies in order to maintain editorial uniformity.

a. Article Selection

The EIC and ME are jointly responsible for deciding which articles to publish from those submitted to the TJLP. The EIC and ME make that decision based upon the recommendation of the AE and, whenever possible, a faculty reader. The EIC and ME should also consider the timeliness of the article, its usefulness to subscribers, and the feasibility of its publication. The EIC or ME may solicit articles from authors to appear in symposia or other issues of the TJLP.

In the event that the EIC and ME disagree about whether to publish a particular article, the AE's recommendation will determine whether the article is published.

b. Stack Checking and Editing

Articles appearing in the TJLP will be stack-checked and edited by the Board and staff in preparation for publication. All legal citation should conform to the rules set forth in the most recent edition of the The Bluebook: A Uniform System of Citation. All textual material will be edited for substance and style in conformity with the most recent edition of the Texas Law Review Manual on Style, Usage & Editing.

c. Gender-Neutral Language

Gender-neutral language is expected in submitted articles, and its use will play a role in the acceptance and editing of articles. However, the ultimate decision as to whether a particular article will be published is that of the EIC and ME.

d. Student-Written Materials

In addition to articles submitted by scholars and practitioners, the TJLP should publish case and legislative notes written by current staff members. The decision of which student written material to publish will be that of the EIC. When determining whether to publish a student-written case or legislative note, the EIC should consider the grades and comments given the note during the Candidacy process. When determining whether to publish an Editor-at-Large Comment, the EIC should consider the evaluations of the AE assigned to the Comment and the recommendation of the staff member's faculty advisor.

e. Non-Member Student Written Materials

Publication preference for student-written work should be given to current staff members. Non-member student work will be considered and evaluated as an unsolicited article.

f. Articles on Tennessee Law and Policy

Due to the TJLP's affiliation with a state university, the Journal should attempt to publish timely, practical articles on law and policy affecting Tennessee. Because the TJLP strives to play a role in the national discourse, however, the TJLP has a commitment to the publication of articles of broader interest.

VI. Tennessee Journal of Law and Policy office management

a. Offices

The TJLP office is located at the University of Tennessee College of Law, 1505 West Cumberland Avenue, Knoxville, Tennessee.

b. Phones

TJLP staff members are free to use the telephone in the TJLP offices for local personal calls, but TJLP business must take priority over personal calls. Unless a call is billed to a member's personal calling card or the call is toll-free, members shall not use TJLP phones for personal long-distance calls.

c. Mailboxes

TJLP members should check their mailboxes daily. Most TJLP work and notices will be distributed to student mailboxes.

d. Computers

TJLP computers are dedicated to journal work. Therefore, TJLP members may use the computers for personal work only if that work does not erase, modify, or in any way disturb existing computer files. Under no circumstances may a member copy from a TJLP computer to a personal disk or program any TJLP computer files. Any member whose violation of this provision results in loss or damage to TJLP or University property will be held financially responsible.

VII. Amending this manual

All members of the TJLP are welcome to submit proposal for amendments, additions, or revisions to this manual. Proposals are to be typed and presented to the faculty advisors and members of the Executive Editorial Board. After evaluating the proposal, the faculty advisor shall either recommend that the proposal be adopted by the Executive Editorial Board, and thereby become part of this manual, or that there be no change in the Journal's current policy. The Executive Editorial Board, considering the faculty advisor's recommendation, shall convene and vote on the proposal. Changes to the TJLP policy manual require approval of four-fifths of the entire Editorial Board membership.

In addition, this manual will be revised or amended as necessary to reflect policy changes adopted by the EIC, the Editorial Board, the faculty advisors, and/or the College of Law. This manual should be reviewed and, if necessary, revised or amended each summer so that the version distributed to each new member accurately reflects the policies and procedures in effect at that time.

It will be the responsibility of the incoming ME to initiate this annual review and revision of the policy manual.

The ME will maintain a master file of all successive versions of the manual and redacted documents reflecting any actions taken pursuant to the Manual. Any amendment proposals or action taken will also be maintained in this file.

APPENDIX A

A Stack-Checker's guide to the Tennessee Journal of Law & Policy

“Stack-checking” is the term used by the Tennessee Journal of Law & Policy to refer to two tasks. The first task is to check citation in an article for substantive accuracy and proper Bluebook form. The second task is to edit the text of the article for clarity, style, and grammar.

Thorough stack-checking is crucial to the editing process. It is during this stage that most substantive problems are discovered and corrected. Thus, the TJLP relies on the careful work of stack-checkers.

Stack-checking is accomplished by reading and editing both the text (alone and in conjunction with the footnotes) and each footnote. Stack-checkers must watch for substantive errors, unsupported assertions, inaccurate or unattributed quotations, Bluebook errors, and grammatical problems. Stack-checkers must also be careful to ensure the author's style remains intact. Corrections should be made using the TJLP proof-reading marks (see Appendix I). Questions or unusual problems should be brought to the attention of the CPA through marginal notes or supplementary memoranda. Stack-checkers should explain their concerns and justify their significant suggestions.

In order to promote uniformity in stack-checks, the TJLP uses the following stack-checking process:

I. **Getting Assignments**

- A. The EIC or RE provides the articles to the CPA. The CPA divides the article into equal sections of manageable length. At a team meeting, the CPA assigns each section to 2L members. The CPA shall give specialized instructions as needed.
- B. Stack-checkers will be given two deadlines. The first deadline is for “Authorities Not Found” (described below). The second deadline is for the completed stack-check. These deadlines MUST be met in order to keep the production process on track. Only the EIC or ME shall grant an extension, and any extension shall only be granted for extraordinary circumstances.

II. **Gathering Sources**

- A. Stack-checkers must locate each source cited in the article. Most sources can be found in the Law Library, Hodges Library, or Lawson-McGhee Library.
- B. Once you locate a source, copy all the information you will need to cite it properly. The TJLP will reimburse you for copying expenses (see

Appendix H). Please do not waste money—copy two pages at once whenever possible.

C. Do not check books out of any library. Copy what you need and return the book. If you must check out a book, you are responsible for any late fees and lost book charges.

D. What should I copy? Here is a guide:

1. Reported Cases (Bluebook Rule 10)
 - a. First, check to see if the case is available through Westlaw's West Reporter Image (.pdf) option. If it is, print the case.
 - b. If not available through Westlaw, copy the entire case, unless it is a *see generally* or *see, e.g.* cite, in which copy only the first page.
 - c. Copy the title page of the reporter, which should include the year and volume number.
2. Statutes Currently in Force (Bluebook Rule 12)
 - a. Copy the entire statute, unless it is a *see generally* or a *see, e.g.* cite, in which case copy only the first page.
 - b. Copy the title page of the code, which should include the year and volume number.
3. Legislative History (Bluebook Rule 13)
 - a. See the reference librarian to make sure you have found the correct information (bill, date, etc.)
 - b. For U.S.C.C.A.N., copy:
 - i. the first page of the book, which should indicate the year and edition;
 - ii. the first page of the section in which the material is found; and
 - iii. the cited pages.
 - c. If the source is a government document, you are likely to find it at Hodges Library. See a reference librarian at Hodges for specific instructions.
4. Book (Bluebook Rule 15)
 - a. Copy the title page showing the full title of the book.
 - b. Copy the copyright page, which is usually on the back of the title page.
 - c. Copy either pinpointed pages or the entire chapter containing the cited material depending on what is required by the citation.
5. Law Review Articles (Bluebook Rule 16)

- a. Copy the title page showing the full name of the law review, the volume number and the date of publication.
 - b. Copy the table of contents showing the full name of the article and author.
 - c. Copy either the section containing the cited material or the entire article depending on what is required by the citation.
6. Newspaper or Magazine Articles (Bluebook Rule 16)
- a. Old articles are available on Microfiche in Hodges Library.
 - b. Only use Westlaw or Lexis if the source is unavailable in Hodges Library.
 - c. Copy the entire article.
 - d. Copy the masthead of the paper or the cover of the magazine showing the full name of the source, sate, volume, and page numbers.
 - e. Periodical articles are usually more than one page – make sure to copy continuations of articles and page numbers on all pages containing text from the article.
7. Other – if have questions about copying sources other than those listed above, talk to your CPA.
- E. By the ANF deadline, stack-checkers must electronically submit an ANF form to their CPA.
1. Once the CPA has all the forms, the CPA will consolidate them to eliminate any duplicates. Then the CPA will take them to the PE.
 2. If the ANF lists become lengthy, we will contact the Author to obtain the necessary information.

III. **Compiling the Research Notebook**

- A. Pick up a three-ring binder, tape flags and highlighters in the TJLP office.
- B. Three-hole punch all copied sources.
- C. Following Bluebook Rule 1.4, organize the sources cited in the article. However, organize cases alphabetically, rather than as indicated by the Bluebook.
- D. Place a piece of colored paper between each source category (e.g., between cases and legislative materials, between legislative materials and periodicals, etc.)

- E. Attach a tape flag or post-it note to the first page of each source. On the tape flag, indicate the name of the source using the short citation form or some other easily understood abbreviation.
- F. For each copied source, highlight the title and material cited. Place a number in the margin next to the material cited. That number should correspond to the footnote number found in the article that refers to the highlighted source material.

IV. **Editing the Text**

- A. Begin by reading the entire article, not just your assigned section. In order to more efficiently and effectively edit your section, you need an understanding of the article as a whole.
- B. Ask yourself the following questions:
 - 1. Can I state the thesis of the article? If you cannot, then the article needs clarification. Remember that if a part of the article does not make any sense to you, it probably will not make sense to our readers. If you have questions about a particular sentence, paragraph or section, indicate them in a margin note or on a separate piece of paper. Explain what you find troubling. If you have a recommendation for fixing the problem, suggest it. Even if your recommendations are not adopted by the CPA, they will help the CPA figure out the best way to improve the article. No recommended change shall ever be criticized by a CPA or anyone else on the TJLP staff.
 - 2. Is this article logically organized? If not, suggest changes that will help restructure the article to better communicate the author's ideas.
 - 3. Are there any grammar, syntax, punctuation, or spelling errors? If so, correct them. Use the style manuals, dictionaries, and your own writing skill to make sure the article is grammatically perfect when you turn it in to your CPA.
 - 4. Is this article accurate? Above all else, 2L editors must assure the CPA that quotations, page numbers, and all citations are correct. You may be the only person to ever check the substantive accuracy of a particular citation. If you permit an incorrect page number to slip through, it could very well be published that way. It is absolutely vital that you check every page number on every citation and check every quotation against the original sources to confirm that everything is accurate.

V. **Bluebook**

- A. Use the Bluebook to carefully check the entire article. Check the rules on quotations, abbreviations, numerals, italicization, and capitalization (Bluebook Rules 5-8). Editing for Bluebook conformity in the text is as important as in the footnotes. When editing the footnotes, be meticulous and deliberate in your work—every space, period, and comma must be correct.
- B. Use the most recent editions of the Bluebook and the Texas Law Review Manual on Usage, Style & Editing.
- C. If the information is not in the Texas Law Review Manual on Usage, Style & Editing, check The Chicago Manual of Style.
- D. Use the latest edition of The American Heritage Dictionary to check the spelling and definitions of words.

VI. **Completing an Assignment**

- A. Proofread your own work before turning it in.
- B. Complete the proofreading checklist to confirm you did not overlook part of your assignment.
- C. Turn in your stack-check to your CPA by the assigned deadline.
- D. Review the reverse stack-check form your CPA gives you. Ask questions if you do not understand or agree with something noted in the evaluation.

APPENDIX B

TENNESSEE JOURNAL OF LAW & POLICY Administrative Hours

Each 2L staff member may be required to complete two hours of administrative time in the TJLP office each week. This time will be served in one two-hour block. In scheduling this time, the ME will do his or her best to accommodate everyone's preferences with respect to administrative hours scheduling.

Any editor or faculty advisor requiring the assistance of a 2L staff member should fill out a "Work Request" on the day prior to the day on which the task needs to be completed. The ME will then schedule all such tasks to be performed the next day and will assign the task to a 2L staff member scheduled for administrative hours on that day.

All 2L's arriving in the TJLP office for administrative hours should first check their mailboxes for assignments during their administrative hours. The staff member should work on the assignment and then complete and return the work request. It is crucial that the 2L designate whether the assignment has been completed or whether more work needs to be done so that the ME can schedule any additional work to another staff member.

The ME will maintain a work log showing what assignments have been assigned to whom and if the work request has been completed and returned by the 2L staff member assigned to the task. Completed work requests will be placed in each member's file.

A 2L may be excused from administrative hours with prior permission of the EIC or ME. All excused administrative hours must be rescheduled and made up within two weeks unless the EIC or ME indicate otherwise.

Please note that emergency assignments will arise that the ME is unaware of because he/she is unavailable. Therefore, even if assigned something by the ME, a 2L on administrative hours is to accept emergency assignments in lieu of the ME's assigned task if the emergency assignment is made by one of the following people: the EIC or the Faculty Advisors. If such an emergency arises, the EIC or Faculty Advisor assigning the task shall let the ME know that the 2L was excused from completion of the ME's assignment.

APPENDIX C

TENNESSEE JOURNAL OF LAW & POLICY Comment Requirements

To assume the position of Editor-At-Large, a member must complete a Comment. Below are the substantive and procedural requirements to complete the Comment and assume Editor-At-Large status.

I. Substantive Comment Requirements

A law review Comment is designed to inform the unfamiliar, but intelligent and legally oriented reader about the topic of the Comment. At every step, the writer should keep in mind the purpose of all writing: the communication of ideas in a simple, clear, and concise fashion that requires minimum effort by the reader.

Each topic has its own shape and form. Comments will vary widely depending on the nature of the topic; however, the following basic elements should be found in every Comment:

A. Introductory Statement

The first thing we look for in reviewing an article is the explanation of what the article is about and how the author plans to make his/her point. The reader needs this paragraph (or paragraphs) to frame the context of the article. An introduction may include the following elements:

1. a general background of the topic—why it is worthy of discussion;
2. an overview of the relevant legal or policy backdrop of the topic (a few sentences may be enough);
3. a concise statement of the author's thesis or goals in writing the Comment; and
4. a summary, or overview, of the major points the Comment will attempt to address.

B. Background

Again, you must fully explain the background of your topic in order for the reader to understand the analysis to come. You must convey the results of your research in such a way that your reader learns what you have learned, without having to go through the process with you. It is often difficult to step back from your research enough to determine whether you have conveyed only the information important to your topic. Of course you can drop peripheral topics into substantive footnotes, but

sufficient consideration should be given to relevant authority in the text to place the reader in a position to understand the points made later in the Comment. The background section should be organized with the use of topical headings that reflect the author's rational, organized approach to the subject.

C. Analysis

Analysis of the current state of the law, or evaluation or response to an issue is the focal point of a Comment. Articles editors and faculty readers usually eliminate an article from consideration for publication because the author stops too soon without fully developing his/her own ideas. While a Comment is a form of expository writing, the author must try to persuade the reader to adopt his/her premise. Consequently, the author must not only be accurate, but also be convincing in his/her analysis. Following are a few pitfalls to avoid:

1. State your premise early and clearly, and stick to it. Don't meander away--check yourself as you review to make sure you're still on point. Be organized. This includes having someone unfamiliar with your Comment read it as you go to see if it still proceeds logically.
2. Acknowledge the weaknesses in your argument, or contrary authorities, and address them head-on--you have the information to argue with these competing authorities--take them to task if you disagree, or propose a way around the dispute if more appropriate. Don't leave them out. Our professors are familiar enough with the subject matter that they often recognize when an article fails to address key criticisms.
3. Be realistic about your idea. There is nothing wrong with a purely theoretical paper, so long as it is not masquerading as a practical solution when no court is likely to adopt your view. Plenty of great papers just say, "Hey--what about this wild idea."
4. If your idea contains an alternative solution to one proposed by some other authority, develop it fully. Many reviews complain that an author writes about a possible solution without explaining how it might be implemented in the real world, or without arguing for its adoption.

D. Conclusion

It is difficult to generalize about the comment's conclusion, since its form is dictated by the writer's analytical scheme. It can either be the capstone of discussion, containing the author's well-developed solution, or it may

be a more sophisticated restatement of the analysis that succinctly places the problem in perspective. Regardless, the conclusion should be fully considered and not a mere perfunctory gesture.

II. Procedural Aspects of Comment Requirement

A. Academic and TJLP Requirements

The Comment may fulfill either or both of the TJLP Comment requirement and the expository writing requirement. The member should discuss which requirements he/she expects to fulfill as soon as possible with the TJLP Faculty Advisor, and for the member to receive appropriate academic credit, the advisor must certify in writing to the TJLP any requirements the member satisfies.

An unrevised class paper will not meet either requirement. With additional research and revision, however, a revised class paper may satisfy either or both requirements.

The faculty sets the standards for satisfying the expository writing requirement, and the TJLP Comment requirement is intended to be more rigorous. To meet the latter requirement, the Comment must be of publishable quality, which the TJLP Faculty Advisor will determine by considering the Comment's scope, length, writing style, clarity, accuracy, and analysis, among other factors. To meet either requirement, the member generally must prepare several drafts of the Comment for TJLP Faculty Advisor review, and the Comment should meet the TJLP Faculty Advisor's highest standards for acceptable student writing.

B. Schedule of Submissions

Comments shall be submitted to the EIC based on a schedule devised by the ME. Any deviation from the schedule must be approved by either the EIC or the ME.

APPENDIX D

[RESERVED]

APPENDIX E

TENNESSEE JOURNAL OF LAW & POLICY The Editing and Publication Process

1. Author submits article; TJLP staff acknowledges receipt, enters in tracking system.
2. AE evaluates article, makes recommendation to EIC and ME.
3. EIC makes offer of publication or rejects article.
4. If necessary, Author submits article on disk.
5. PE formats article for stack-checking and editing.
6. EIC provides article to RE for assignment to stack-checking team.
7. RE assigns article to a CPA
8. CPA meets with stack-checking team, distributes portions of article to members of team.
9. 2Ls stack-check and edit article; CPA submits ANF forms to PE; PE locates ANFs.
10. CPA compiles stack-checks and edits, gives to PE.
11. PE formats CPA's compilation edit in pages, gives to RE.
12. RE reviews edits with EIC.
13. EIC (or RE) discusses any substantive changes with Author.
14. PE incorporates any further changes made during Steps 12 and 13, formats next set of pages.
15. RE assigns pages to 2Ls and/or Editors-At-Large for proofreading.
16. RE compiles proofreads, gives to PE.
17. PE formats next set of pages.
18. EIC, RE, and PE edit.
19. PE formats next set of pages.
20. EIC reviews final edits.

21. PE formats, prints final copy, gives to EIC and ME to prepare for publication.

APPENDIX F

TENNESSEE JOURNAL OF LAW POLICY
Model Executive Editorial Board Interest Form

Name _____

Phone Number _____

Email Address _____

Your Current CPA _____

Please rank the following positions in which you are interested. The number in parentheses indicate the number of slots open for each position.

_____ Research Editor (1)

_____ Publication Editor (1)

_____ Articles Editor (1)

_____ Deputy Research Editor (5)

Please attach a recent copy of your resume to this form. This form and your resume must be in the incoming Editor-in-Chief's mailbox in the TJLP office by [TIME, DAY, DATE].

Questions / Comments:

APPENDIX H

TENNESSEE JOURNAL OF LAW & POLICY

Expense Reimbursement Form

Name _____

Date _____

Project
or Article Name _____

Author _____

Amount for reimbursement _____

Type of Expense:

- _____ Photocopies
- _____ Supplies (list specifically below)
- _____ Other Expense (list specifically below)

APPENDIX I
TENNESSEE JOURNAL OF LAW & POLICY

Proofreading Marks

- | | |
|---------------------------|---------------------------------------|
| 1. CAPITALIZATION: | ALL large capital LETTERS |
| | ALL small capital LETTERS |
| | MIXED Large and Small CAPITAL LETTERS |
| 2. LOWER CASE: | LOWER CASE |
| 3. SET IN ITALIC TYPE: | <i>set in italic type</i> |
| 4. ROMAN OR REGULAR TYPE: | set in <i>regular</i> type |
| 5. DELETE OR TAKE OUT: | delete this this word or materialism |
| 6. INSERT OR ADD: | add this or material |
| 7. STET: | let all matter above the dots stand |
| 8. SPELL OUT: | Tenn. |
| 9. PARAGRAPHS: | new paragraph |
| | no paragraph |
| 10. SPACING: | close up entirely or take out space |
| | openspace or insertspace |
| | less space between words |
| | Equalize space between words |

11. RUN IN OR RUN ON: continue one sentence after another with no break
12. TRANSPOSE: transpose enclosed in ring matter
reverse order word
13. PUNCTUATION: add a period add a comma
add a colon add a semicolon
add a question mark add an exclamation point
add a hyphen
add an apostrophe
add single quote
add quotation marks or quotes
add an ellipsis
add a period ellipsis
add an ellipsis period
14. BLOCK QUOTATIONS: begin block quote
end block quote