

**THE  
GREENBOOK**  
A Manual of Operations and Procedures

HARVARD LAW REVIEW

VOLUME 138

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# I. INTRODUCTION

This is *The Greenbook*, the *Harvard Law Review's* operating manual. *The Greenbook* conveys the working culture of the *Law Review* and the rules by which editors abide. *The Greenbook* is not, however, etched in stone. With the exception of the policies outlined in the Appendices, the manual has not been formally ratified by the body and does not restrict decisions otherwise within the sound discretion of *Law Review* editors.

Please read the entire manual carefully. Not all details of the *Law Review's* operations discussed in this manual will make sense immediately. Indeed, some may become clear only after you have spent several weeks around Gannett House. But *The Greenbook* provides a good primer for life in Gannett, and it will continue to be a guide as questions arise during your tenure as an editor of the *Harvard Law Review*.

## II. OVERVIEW

The *Harvard Law Review* is a student-managed legal periodical that serves lawyers, academics, and members of the broader public. It is the *Law Review's* mission to fulfill several objectives: first, to provide a forum for the leading scholarship and commentary on the law and related issues; second, to function as an effective research tool for judges, lawyers, litigants, and students; and third, to offer its members a unique educational experience that involves extensive writing and editing.

The *Review* is published eight times during the academic year, on a monthly basis from November to June. Each issue generally includes a mix of Articles, Essays, Book Reviews, Commentaries, and Tributes written by professors, judges, and practitioners. The *Law Review* also publishes the online-only *Harvard Law Review Forum*, which contains responses to the print journal's pieces as well as standalone essays, and the Blog, which contains timely reactions to recent developments in the law. All work — whether in the print issue, the *Forum*, or the Blog — goes through the *Law Review's* rigorous editorial process.

Many editors take advantage of the opportunity to publish while on the *Law Review*. During their 2L year, editors may write a comment on a recent case, statute, or other development in the law. Such pieces, known around Gannett as “Recent Things,” run six to eight *Law Review* pages. In the summer, rising 3L editors may enter a lottery to write a comment on a Supreme Court case from the preceding Term. As 3Ls, editors may elect to work on more substantial Notes. Notes are eighteen to twenty-two *Law Review* pages. 3L editors may also write “Recent Things,” which run eight to ten pages, if they did not have the opportunity to write a Supreme Court case comment in the summer before their 3L year. Student writing in the print *Law Review* is unsigned, reflecting a longstanding tradition to recognize the substantial contribution of numerous editors at every stage of the process.

Unique student-written pieces appear in the November and April issues. The November issue of the *Law Review* contains analysis of the past year's Supreme Court Term, and roughly fifteen to twenty 3Ls write Case Comments examining the leading cases of the Term. The April issue contains the Developments in the Law (DEVO) project — an in-depth treatment of an important area of the law written by editors.

Like the outside-author pieces that appear in the *Law Review*, all student writing goes through extensive editing that begins after the author selects a topic and ends when the final version of the piece is sent to the printer. By the end of the process, virtually all authors find that their piece has improved significantly and that they have learned a great deal from their fellow editors. Please consult *The Brownbook* for more details about student writing on the *Law Review*.

### III. ORGANIZATION OF THE *LAW REVIEW*

#### THE HARVARD LAW REVIEW ASSOCIATION

In 1887, Louis Brandeis — a then-recent alumnus of Harvard Law School — and several students founded the *Harvard Law Review*. The activities of the *Law Review* are conducted under the auspices of the Harvard Law Review Association, a nonprofit association incorporated in Massachusetts in 1902. The purpose of the Association, as stated in our constitution, is to publish law books and a legal periodical, and to advance “the scientific study and development of the law.” The Association also publishes *The Bluebook* citation guide in conjunction with the *Columbia Law Review*, the *University of Pennsylvania Law Review*, and *The Yale Law Journal*.

As an editor of the *Law Review*, you are an active member of the Association and, upon graduation from Harvard Law School, you become a lifelong member of the Association. The Association’s constitution provides for the selection of officers, sets out the procedure for admission of new editors, and establishes a general framework for Association decisionmaking. The Association is governed by a Board of Trustees that consists of the President and Vice President/Treasurer of the *Law Review*; the Dean of Harvard Law School; Professors Andrew Crespo and Carol Steiker (former Presidents of the *Law Review*); Judge Paul Engelmayer (former Treasurer of the *Law Review*); and the Graduate Treasurer, David Friedman, Senior Vice President, Legal & Government Affairs for the Boston Red Sox (and former President of the *Law Review*). An honorary and advisory Board of Overseers, made up of the previous three presidents of *HLR*, also functions to approve changes to the constitution and bylaws and to elect members of the Board of Trustees.

#### OFFICES AND OFFICERS

The *Law Review* is organized into a variety of offices and committees, each focusing on particular aspects of the editorial process. Officers are elected in the early spring of their 2L year and continue to staff all of the offices and run the day-to-day operations at the *Law Review* until the following February. Although the offices and committees enjoy considerable autonomy, publishing the *Law Review* is a collaborative endeavor. It requires constant, although mostly informal, communication among editors. Both 2L and 3L editors work closely with the following officers:

##### **President**

As President, Sophia Hunt is the *Law Review*’s editor-in-chief. She edits the DEVO; outside-author Articles, Essays, and Commentaries; and some student-authored Recent Things and Notes. She also works closely with the Supreme Court Chairs, Online Chairs, and Book Reviews Chair on the substantive editing of other outside-author pieces. The President, working in collaboration with other editors, implements *Law Review* policy and manages the journal’s day-to-day operations. She has ultimate responsibility for all aspects of the *Law Review*. The President also sits on the *Law Review*’s Board of Trustees.

##### **Managing Editor of Operations (MEO)**

As Managing Editor of Operations, Angie Cui coordinates the daily operations of the *Law Review*. She is in charge of daily Pool assignments, longer-term Pool and publication timeline planning, editor accommodations, author contracts, orientation, editing of the colorful books, State of the Pool emails, and feedback on Pool and officer work.

### **Managing Editor of Publication (MEP)**

The Managing Editor of Publication, Nitin Rao, is the chair of the Masthead, final arbiter of *HLR*'s editorial standards and technical conventions, and editor of *The Blackbook*. He oversees Bookproofs, performs Contractproofs, and coordinates with the *Law Review*'s publisher, ultimately approving each issue for publication. Finally, he is responsible for longer-term projects such as modernization of *HLR*'s publishing software.

### **Vice President/Treasurer (VP/T)**

The Vice President/Treasurer, Jaime Miguel El Koury, edits student writing, assists the President with editorial and administrative duties, and runs the Writing Competition. The VP/T oversees the *Law Review*'s business operations and manages the *Law Review*'s budget. He also manages long-term and strategic projects and works closely with the President to ensure the *Law Review* complies with its legal, institutional, and other obligations. Along with the President, the VP/T sits on the *Law Review*'s Board of Trustees.

### **Vice President/Coordination, Diversity & Outreach (VP/CDO)**

As Vice President/Coordination, Diversity & Outreach, Alexis Michelle Adjei is responsible for the social and community-building events that make Gannett much more than a place simply to work and edit. She has primary responsibility for 1L recruiting, helps organize orientation, and runs all *Law Review* social events. In addition, the VP/CDO is the go-to person for all quality-of-life issues in Gannett. Along with the VP/T and President, she also edits student writing.

### **Articles, Book Reviews, and Commentaries Committee (“Articles Committee”)**

The Articles Committee — Andrew Carothers (ABC Chair); Yousef Kobeissi and Casey Nakamura (Articles Chairs); Kiran Hampton (Book Reviews Chair); and David Caliguire, Bianca Corgan, Harry Hoke, Tashrima Hossain, Divya Nimmagadda, Riya Sood, Leah Smith, and Caroline Walker (Articles Editors) — is responsible for the screening process that leads to the selection of ten to sixteen Articles and Essays from among the over three thousand submitted each year by professors, judges, practitioners, and others. The Committee encourages input and participation from the body during most stages of this process, such as through the completion of Rotopools and Literature Reviews, contributions during C-Reads, and participation during O-Reads. The *Law Review*'s Articles process is unique because we are the only one of our peer journals to generally require a full body vote before any Article is accepted.

### **Notes Committee**

The Notes Committee — Ned Bless and Sidd Jejurikar (Notes Chairs); Elliott DeRiso (DEVO Chair); and Tara Aida, Gabe Babuch, Ibrahim Bharmal, Jennifer Ding, Aditi Mittal, Dylan Moses, Robert Shepard, Daniel Wasserman, John Martin Weed, Ben Weinberg, and Michael Won (Notes Editors) — reads and edits all student-written pieces. The Committee is responsible for working with student authors from topic selection and outlining through the C-Read and S-Read stages, in which the Committee ensures that pieces are far enough along to proceed to the P-Read stage. The Notes Editors cultivate ideas for Notes and Recent Things, make themselves available as sounding boards, and organize formal and informal discussions of student writing. The DEVO Chair spearheads the annual Developments in the Law issue, which is organized around a democratically elected theme, consists of several Chapters written by 3L, and is published in the April issue.

### **Supervising Editors (“Super-Es” or “Supers”)**

The Supervising Committee — Teni Odugbesan (Supervising Chair); and Jessenia Cláss, Taylor King, Nathan Poland, and Mikaela Rabb (Supervising Editors) — oversee the progress of pieces by

outside authors through the first stages of the *Law Review's* editing process. They take control of pieces after the pieces pass through a P-Read, initiate correspondence with the author, and coordinate Bookgrabs and Subcites. They also conduct a final substantive read of most student writing. The Super Chair is also responsible for training and working with the *Law Review's* interns.

### **Executive Editors (EEs)**

The Executive Editors — Tori Borlase, Morgan Corley, Hannah Hyams, Noam Krainin, Jake Libby, Sarah McClellan, Elias Neibart, Kyle Parker, Audrey Pope, and Hannah Weinstein (collectively with the MEP, the “Masthead”) — serve as the final editors for all pieces. They work with student and outside authors during the editing stage known as the EE-Read, which involves significant substantive and technical editing of the entire piece. They also create and review Galleys and Pages assignments. Finally, they conduct several readthroughs of the entire issue at Bookproofs. They are the *Law Review's* style and *Bluebook* specialists.

### **Supreme Court Chairs**

The Supreme Court Chairs, Nina Gayleard and Jack Wilkins, are responsible for the content of the November issue, which is devoted to examining the most recent Term of the United States Supreme Court. The issue contains three principal elements: the Foreword, a collection of (traditionally three) faculty Case Comments, and between fifteen and twenty student-written Case Comments. It also contains the Statistics section, which compiles key empirical data from the Term, and a crossword puzzle. To assign the student-written Case Comments, the Supreme Court Chairs review the approximately seventy cases the Court decides each Term and select the ones they believe most merit commentary in the November issue.

### **Bluebook Business and Editorial & Strategy Chairs**

The Bluebook Business Chair is Varsha Midha. She is responsible for the marketing, sales, and production of *The Bluebook* and the Bluebook Online. Beyond *Bluebook* matters, she also works with the President and Vice President/Treasurer to manage the *Law Review's* general business affairs.

The Bluebook Editorial & Strategy Chair is Burke Craighead. He manages revisions to *The Bluebook* during reprintings, responds to public feedback through *The Bluebook* editor email account, and oversees strategic projects related to the *Law Review's* *Bluebook* business.

The Bluebook Chairs manage our relationships with the other *Bluebook* schools and outside vendors and institutions, and receive and respond to daily requests for information regarding *The Bluebook's* rules of citation.

### **Online Chairs**

The Online Chairs — Ashwin Fujii and Emily Malpass — hold primary responsibility for the *Harvard Law Review Forum* and Blog. They solicit *Forum* responses to some of the outside articles that we publish as well as *Forum* essays, substantively edit those pieces, and oversee the editorial process generally. The Online Chairs also regularly solicit commentaries on recent legal developments and coordinate student writing online, including Online “Recent Things.” Volume 134 passed a Transition Resolution (SCO-11) to expand online content and allow student editors to submit Blog pitches on a host of different legal topics. The Online Chairs also manage the *Law Review's* social media presence and train and work with the *Law Review's* online intern.

### **Strategy & Oversight Chair (SOC)**

As the Strategy & Oversight Chair, Dallas Estes is responsible for *HLR's* long-term and strategic projects, which change each year. Dallas has focused their tenure on revamping *HLR's* Public Interest Fellowship and exploring new technologies to streamline *HLR* operations. The SOC also

generally represents editor interests, including by facilitating feedback between editors or by bringing editor concerns to leadership or other officers. Finally, the SOC is responsible for overseeing Transition.

### **PERMANENT STAFF**

Our permanent staff are integral to the success of the *Law Review*. They have the longest tenure, have seen almost everything that can possibly happen on a law journal, and have put up with transient editors year in and year out. We would be lost without them.

Jennifer Heath, our Information Systems Manager & Program Administrator, provides invaluable assistance with both the Writing Competition and orientation and oversees the *Law Review's* computers, SharePoint server, printers, internal website, and alumni database, as well as the Gannett House facilities. She also deals with copyright issues. She is the go-to person for all technology-related questions.

Our Circulation & Financial Director, Denis O'Brien, handles many business matters. He does the bookkeeping; maintains our business records; manages our subscribers and purchasers; and, with the Bluebook Chairs, oversees the production and inventory of *The Bluebook*. He also works closely with the Managing Editor of Publication in dealing with the *Law Review's* publisher, printer, and distributors.

The Director of Bluebook Business, Judi Silverman, develops and implements advertising, promotional, and pricing strategies for the *Bluebook*. She manages the *Bluebook* website, oversees institutional licensing, processes orders, manages customer service, and helps with financial duties.

### **UNDERGRADUATE INTERNS**

The *Law Review* hires undergraduate interns who aid in the administrative aspects of our editing process. The Super Es and Online Chairs are responsible for assigning work to interns. The interns assist the Super Es and the Online Chairs with compiling source lists, bookgrabbing, preparing articles for Subcite, and publishing pieces on our website each month. Please be courteous and friendly to our interns, as they are our colleagues and work hard for the *Law Review*.

## IV. WORKING AT GANNETT HOUSE

### OUR HOUSE

One of the privileges that *Law Review* editors enjoy is the opportunity to work at Gannett. Editors should feel free to use Gannett at all hours to write, edit, research, study, watch TV, play video games, and just hang out. New editors are often shy about exploring the offices, but remember, it's your building, too! The Masthead and individuals' offices require permission to be used, but you're welcome to enter those offices if their doors are open. **Note that only the Masthead and Managing Editors may use the computers in the Masthead Office and Managing Editors' Office, respectively.** All other spaces are open to everyone.

With the many resources Gannett has to offer comes the responsibility to look after it. Please clean up after yourself and others, turn off lights when you leave at night, and be careful to throw away empty food containers and properly seal food.

### ELECTRONIC RESOURCES

#### Computers

Most rooms in Gannett have computers that editors may use; a number of offices and hallways have printers as well. All *Law Review* work must be done in either Microsoft Word or Adobe Acrobat, depending on the assignment. Please check *The Whitebook* carefully for relevant requirements and instructions.

The *Law Review* uses a local area network. All new editors will receive usernames and passwords at orientation to log in to the network, and will receive instructions for connecting to the network from non-*Law Review* computers to enable remote work. For security reasons, please do not share your username or password with anyone else. Each editor is also assigned a folder on the network (called the P: drive) in which they may store a limited number of personal files. **Do not save documents to the "My Documents" directory on a Gannett computer because it is wiped out every time an editor logs off.**

All editors and employees of the *Law Review* are expected to comply with the Email and Internet Usage Policy outlined in Appendix D of *The Greenbook*. In addition, editors should adhere to the following guidelines when using the Gannett network and computers:

1. **Always log off of a Gannett computer when you are finished using it.** This is *especially* important for remote-computer connections. Computer security at Gannett has been a problem in the past, and logging off of Gannett computers is mandatory and strictly enforced. Repeated failure to log off may result in the loss of *Law Review* computer privileges.
2. Only current *Law Review* editors and staff may use the Gannett computers and *Law Review* network.
3. At times of heavy computer use, the following list governs computer priority:
  - a. *Law Review* work for publication — the closer to publication, the higher the priority;
  - b. *Law Review* work not directly for publication (e.g., Rotopools, A-Reads, and S-Reads); and
  - c. Personal use (e.g., letters, papers, Ames briefs).

Whatever you do, avoid squatting at computers. As a rule of thumb, if you expect to be gone for more than fifteen minutes, you should log off and make the computer available to

your fellow editors. Leaving a computer logged in to your account during an extended absence, in addition to creating a security risk, is disrespectful to fellow editors.

4. Computers may be reserved for take-home exams during exam periods through sign-up sheets posted on the doors of each available room shortly before exams. Jennifer will send more information when exams approach.
5. Report all computer and printer problems to Jennifer immediately.

### Remote Desktop

There are computers located in Gannett that are available for remote desktop access. All new editors will receive instructions for connecting to the remote desktop. These instructions are also available on the *Law Review's* internal website. Please be sure to follow the instructions provided carefully and **always** check the remote desktop sign-up sheet located on SharePoint (whether you are using the machine while in Gannett or are connecting remotely). Failure to do so may result in accidentally logging another editor off of the desktop, thereby resulting in the loss of their work.

### The *Law Review* Home Page

The *Law Review's* website, which is set as the default home page on all Gannett computers, is <https://harvardlawreview.org>.

### The *Law Review's* Internal Website

The internal website can be found at <https://members.gannetthouse.org>. At orientation, all new editors will receive instructions regarding access to the site. The internal website is available only to editors (not the public at large); **log-in information should not be distributed to non-editors.**

The internal website has an online directory of all editors' names and phone numbers, as well as copies of the *Law Review's* manuals, including *The Greenbook*. The internal website also provides access to the Pool, the *Law Review's* internal discussion forum, the *Law Review's* anonymous feedback form, and an outline bank for upper-level courses. **Information found on the internal website should not be distributed to non-editors.**

## EDITORIAL RESOURCES

### Gannett Library

The Library is used as a quiet place for study or *Law Review* work. The Library houses our collection of volumes, which contains sets of the U.S., F., and F. Supp. reporters; several sets of federal codes; and a number of law reviews — *California, Chicago, Columbia, Georgetown, Michigan, New York University, Pennsylvania, Stanford, Texas, Virginia*, and *Yale*, as well as the *Supreme Court Review*. The *Law Review* also receives the Supreme Court Reporter and other miscellaneous publications.

For all editors' convenience, please follow these rules:

1. Reshelve books. Even if you didn't use a particular book, please help out by reshelving from time to time. This is particularly important for editors working on a Subcite for an outside-author piece: many editors will need to access the same sources, so be sure to replace them after each use.
2. Photocopy or scan sources you will need on a long-term basis, such as for Subcites. We only have one set of each reporter, so it is important to keep as many sources as possible available to the whole body. **This is particularly important as we prepare for the November issue, when everyone will be struggling to find the same volumes of the Supreme Court Reporter.** If the cases or articles you need are longer than 75 pages, you can move

the source to the piece's shelf, but **please leave a marker behind identifying the location of the volume** (Super-E Office, Notes Office, etc.). PDF versions of many sources can also be printed from HeinOnline (e.g., U.S. Reports, law reviews) or Westlaw (e.g., F., F. Supp.).

3. If you leave your work area for any substantial period of time, please clear your workspace and reshelve all research material.
4. You should not keep personal research materials on the Library desks for an extended period of time. Rather, you should store them in your locker or on a shelf clearly marked with your name. Priority for Gannett shelf space is given to sources for our pieces.
5. The Library often serves as Gannett's principal workspace. Please do not engage in extended discussions in the Library. It's one of the few quiet rooms in Gannett.

### **Standard References**

For the few technical matters not covered by *The Bluebook*, we rely first on our own internal style book, *The Blackbook*, and then on the *Chicago Manual of Style*, accessible online via [Harvard's library](#). A number of other style guides are available in the Masthead. The [Merriam-Webster.com Dictionary](#) is our arbiter for spelling and definition. You can also ask an Executive Editor, who can usually be found in the Masthead (or in the #blue-book-questions channel in Slack).

### **Copies of the *Law Review***

Bound volumes of the *Law Review* are kept in the Small Pool Room. The President's Office also has a set that should not be removed from that office. A set of unbound issues from recent years is kept in the Masthead, but is reserved for use by the Managing Editor of Publication and the Executive Editors. Masthead copies are marked with an "M" on the spine. If you ever find a Masthead copy outside the Masthead, please return it to its rightful location.

Editors will receive one free copy of every issue of Volume 138 shortly after each issue is published. **You should save these copies if you wish to have the entire volume bound at the end of the year.**

### **Photocopying**

You may use the photocopier for official *Law Review* work and, when available, for personal work. Instructions are located on the wall above the machine. See Jennifer if problems develop or if you want assistance with any of the machine's special functions.

### **Supplies**

Supplies of pens, pencils, markers, binder clips, staples, file folders, legal pads, etc. are available in a supply cabinet between the two Pool Rooms. Computer supplies are located near the photocopier. If you need something special or find that we are out of something, please notify Jennifer. (If at all possible, **before** we run out, please warn Jennifer that we are running low on a particular supply by using the sheet on the door of the supply cabinet.)

*Harvard Law Review* stationery should not be used for personal correspondence. Editors who believe they have reason to use *Law Review* stationery should ask permission from the President or the Managing Editor of Operations.

## **COMMUNICATIONS AND FACILITIES**

### **Phones**

Every editor is welcome to make on-campus, local, and toll-free calls from Gannett. Long-distance calls are not allowed from Gannett phones, unless coordinated with Jennifer, who can issue you a

phone code and make sure you are billed for any long-distance calls made from Gannett's phone system. The Harvard Shuttle and Escort phone numbers listed on the handle of every phone are free calls.

Although Jennifer may answer 5-7889 and its overflow lines during business hours, **during nonbusiness hours, editors must answer calls** (please answer: "Hello. *Harvard Law Review*."). When you answer a call, be sure to take a message if the person requested is not available; email the message to the Managing Editor of Operations, along with contact information, and she will get it to the relevant officer. The Business Office staff will answer the business lines, 5-4650 and 5-7888.

### **Slack**

All editors will receive access to the *Law Review* Slack workspace; feel free to post on the various channels. Only the President, Managing Editors, and Vice Presidents may post on the #general channel, but all editors are welcome to post on the other channels. Please turn notifications on for your volume-specific and #general channels, as many important announcements are made there.

Per a Volume 134 Transition Resolution (CC-03), creating private Slack channels is disabled.

### **Fax Machines**

If you need to send or receive a fax, the number is (617) 496-5053. To send a fax using your phone code, dial: 9 + 1 + [Number] + Pause + Pause + [Code]. If you find faxes in the machine addressed to other editors, please deliver them to the recipients' mailboxes in the hall outside of the Kitchen.

### **Notices and Postings**

The bulletin boards and refrigerator in the Gannett Kitchen are used for general news and announcements. Within reason, feel free to put anything up that you find interesting or amusing.

### **Public Statements and Communication with the Press**

**No editor may purport to represent to the press an official policy or statement of the *Law Review*.** Members of the *Law Review* whom the press approach in regard to the *Law Review* or who become aware of press statements concerning the *Law Review* must notify the President immediately. This policy does not in any way limit the right of members to express personal opinions. Notwithstanding the above, confidential matters that are internal to the *Review* should not be discussed with the press. This prohibition applies to personal opinions when the expression of such opinions involves the disclosure of confidential information. Whether or not a matter is confidential should be informed by the text and spirit of the "Confidentiality" section of *The Greenbook* and can be determined on a case-by-case basis by a majority of the President, MEO, MEP, VP/T and VP/CDO. If you have any questions about this policy, please ask the President.

## **FOOD AND ENTERTAINMENT**

### **Gannett Kitchen**

The Kitchen serves as a gathering place for *Law Review* members. Bagels are delivered twice a week. Other groceries are delivered once a week. You can submit food requests by writing them on the dry-erase board in the kitchen or the #groceryrequests Slack channel. There is a coffee maker, a hot-water tap for tea and hot chocolate, a toaster oven, a refrigerator, and a microwave. Coffee, tea, and hot chocolate are all provided. Our Vice President/Treasurer orders groceries and arranges snacks.

**Please keep the kitchen clean. Throw away used food containers and cups and keep newspapers in orderly piles. Ensure that refrigerator doors are properly closed. Do not**

**create more work for our custodial staff.** On Friday afternoons, the refrigerator will be cleaned out. To avoid having your food disposed of, please label any food containers with your name and the date on which you put the food in the fridge.

### **The TV Room**

The TV Room is equipped with couches, chairs, a TV, a Roku, and a Nintendo Wii. Please use it to take breaks, relax, and hang out with fellow editors. Bear in mind, however, that people are working nearby, so you should keep the TV and conversation volume at a reasonable level.

### **MISCELLANEOUS**

#### **Lockers**

Editors may register for a locker in Gannett. The lockers are not large but are suitable for storing books and other small items. If you forget your combination, ask Jennifer.

#### **Parking**

Four parking passes are available in the Managing Editors' Office. The passes are valid for the lot just outside Gannett after 5:00 PM on weekdays and all weekend. Passes should be used only by editors who are at Gannett doing *Law Review* work; they are not meant for personal use. **You must use the Google sheet provided by the Managing Editor of Operations to sign out a parking pass, and you must return the pass to the Managing Editors' Office before driving away.** If you fail to do so, the MEO will revoke your parking pass privileges.

#### **Working Late at Gannett**

If you stay late to work at Gannett, please take care to get home safely. The Harvard Shuttle provides transportation to most editors' off-campus apartments between 7:00 PM and 3:00 AM and can be reached at (617) 495-0400. Harvard also provides walking escorts upon request if you call (617) 495-8237.

#### **Outline Bank**

The *Law Review* stores copies of outlines and exams from upper-level courses on the [Exam & Outline Closet](#) SharePoint drive. If you have an exam or outline that you would like to add to the collection, you can upload an electronic version onto the online bank at any time. You may freely share your own individual course outlines that you contribute among non-*Law Review* members; however, to preserve the privacy of our internal webpage and the wishes of contributing editors, please do not pass along others' *Law Review* outlines or information on how to access the internal website to non-*Law Review* members.

#### **Reimbursement Policy**

Editors who incur approved charges on behalf of the Law Review should fill out the reimbursement form. The Vice President/Treasurer typically completes reimbursements within 2 weeks of receipt. Editor who need an expedited reimbursement should submit a physical reimbursement form, available in the mailbox outside the VP/T's office. All requests for reimbursement must include itemized receipts, and all expenses must be preapproved by the VP/T.

#### **Smoking**

Pursuant to Cambridge's no-smoking ordinance, smoking is not permitted in Gannett.

## V. THE *LAW REVIEW* COMMUNITY

### NONDISCRIMINATION POLICY

The *Law Review* does not tolerate discrimination or harassment on the basis of race, ethnicity, sex, gender, gender identity, sexual orientation, religion, national origin, pregnancy, military status, veteran status, relationship status, disability, or age, in employment and in all matters with respect to Harvard Law School students selected as editors. Any editor or staff member who engages in discriminatory behavior may be subject to disciplinary action, up to and including removal or termination of employment from the Association.

### COMMUNITY EXPECTATIONS

The *Law Review* is a community of over one hundred editors and three permanent staff. The values of the *Law Review* community, which are both related to and distinct from the *Law Review*'s editorial aims, include: integrity, good faith, and transparency in dealing with all community members; respect for the rights, dignity, and differences of others; and intolerance of harassing or discriminatory conduct. We pride ourselves on our culture of warmth, enthusiasm, collegiality, and respect. To maintain our culture, every editor must continually commit to the norms and policies that govern our community. This includes our policy of confidentiality, which presumes editors will not discuss internal matters with anyone who is not a member of the *Law Review*. Among the very most important policies are those rules barring discrimination and harassment, which are detailed in the appendices. These policies are described briefly below.

#### 1. Sexual, Physical, and Other Unlawful Harassment

- a. All editors and staff members have the right to participate in *Law Review* activities and to interact with their colleagues within a safe, comfortable, and respectful environment. As an institution, the *Law Review* is committed to maintaining an environment free from sexual, physical, and other unlawful harassment.
- b. In Appendix B (“Policy Against Sexual, Physical, and Other Unlawful Harassment”), you will find a detailed description of our policies. Please read those provisions carefully. It is important to note that all *Law Review* editors and staff, as affiliates of Harvard Law School, are subject to the Law School’s policies regarding sexual and gender-based harassment.
- c. Any instances of sexual harassment should be promptly reported to the HLS Title IX Coordinator ([titleix@law.harvard.edu](mailto:titleix@law.harvard.edu)). Editors are also encouraged to reach out to the President, Managing Editors, or Vice Presidents with any concerns.
- d. All Harvard Law School students have access to a number of confidential resources for sexual and gender-based harassment. The Office of Sexual Assault Prevention and Response operates a 24-hour confidential hotline (617-495-9100), as does the Boston Area Rape Crisis Center (1-800-841-8371).

#### 2. Bullying

- a. All editors and staff members have the right to participate in *Law Review* activities and to interact with their colleagues within a safe, comfortable, and respectful environment. As an institution, the *Law Review* is committed to maintaining an environment free from bullying, hostile and abusive behavior, and power-based harassment.

- b. In Appendix C (“Policy Against Bullying”), you will find a detailed description of our policies. Please read those provisions carefully. It is important to note that all *Law Review* editors and staff, as affiliates of Harvard Law School, are subject to the Law School’s policies regarding bullying.
- c. All Harvard Law Students have access to local support resources, who can receive reports and complaints, direct community members to resources, and provide information on supportive measures. They can be contacted at [oeo@law.harvard.edu](mailto:oeo@law.harvard.edu). Editors are also encouraged to reach out to the President, Managing Editors, or Vice Presidents with any concerns.

### 3. Other Disciplinary Matters

- a. The *Law Review* has a standing Disciplinary Committee to deal with issues between editors not involving sexual, physical, or other unlawful harassment. As with any organization, members of the *Law Review* will on occasion have disagreements with one another. As members of both a social and professional community, editors should seek to resolve any conflicts informally — with the assistance of other editors or officers if so desired — before turning to the Disciplinary Committee.
- b. The Disciplinary Committee exists to address those rare instances in which an editor’s behavior constitutes a severe breach of conduct, and the Committee frequently goes multiple years without meeting. In Appendix E (“Disciplinary Policy”), you will find a detailed description of the disciplinary policies. If you have any questions, please reach out to the *Law Review*’s President.

### 4. Confidentiality

- a. *The Review* seeks to ensure that editors can speak freely and honestly with their colleagues when conducting the work of the *Law Review*. Any statements made or incidents that occurred as part of internal matters of the *Review* are presumed to be confidential.
- b. Internal matters include formal and informal deliberations amongst editors and include, but are not limited to, disciplinary proceedings, O-Reads, C-Reads, Article IV meetings, Foreword Selection, Transition, and Elections. Confidential matters should not be discussed with anyone who is not a member of the *Law Review*.
- c. Confidential matters that are internal to the *Review* should not be discussed with the press. This prohibition applies to personal opinions when the expression of such opinions involves the disclosure of confidential information. If you have any questions about this policy, please ask the President.

## SOCIAL ACTIVITIES

The *Law Review* sponsors the following social activities:

1. **Retreat.** Editors gather for a weekend in the fall for community-building, games, and general merriment. In 2023, our retreat took place at a scenic lake in New Hampshire. It’s a fun weekend and a good opportunity to get to know other editors.
2. **Fall Ball.** Near the end of fall semester, the *Law Review* hosts an off-site celebration for editors and guests featuring food, drinks, and dancing.
3. **Spring Banquet.** The *Law Review* holds a formal banquet in the spring for editors, faculty members, outside authors who have contributed to the Volume, alumni, and guests. The occasion begins with a cocktail hour, followed by dinner, and includes speeches by the

incoming and outgoing Presidents, a toastmaster, and a distinguished guest speaker. Following the banquet, current editors hold an after-party at a nearby venue.

4. **Issue Parties.** We hold parties, usually somewhere in the Square or in Gannett, shortly after the initial copies of each issue arrive at Gannett. Drinks are on the (Gannett) house.
5. **Sports.** The *Law Review* always plays at least one nominally competitive flag football game during the year — an annual game against the members of *The Yale Law Journal* during the weekend of the Harvard-Yale football game (the “Supra Bowl”) in the fall. All editors are encouraged to participate. The skill level is rarely high, but it is a fun experience. In some years, the *Law Review* has put up a team in several intramural leagues, including flag football and soccer.
6. **In General.** Most of the fun around the *Law Review* is spontaneous, or else initiated and planned by an editor with a big dream and a little determination. We hold regular game and movie nights. In addition, if you have ideas for social events (including large-scale endeavors), please contact the Vice President/Coordination, Diversity & Outreach for consideration and approval. Finally, never hesitate to use Slack to announce casual events like a board or card game, a boba break, or a trek to a bar or movie.

## COMMUNITY-RELATED COMMITTEES

1. **Diversity Committee.** The Diversity Committee provides support, community, and advocacy for editors from diverse backgrounds. The Committee hosts social and professional events, as well as meetings to discuss some of the *Law Review*’s most important events, including Transition, recruitment, elections, and Foreword and DEVO selection. The Committee is chaired by Tori Borlase, Jessenia Cláss, Tashrima Hossain, Hannah Hyams, Nathan Poland, and Riya Sood. Editors are encouraged to share their comments, questions, and concerns about diversity and inclusion with the Chairs. In addition, the Committee contains affinity groups for members of the BIPOC, LGBTQIA+, first-class, and disability communities — each offering unique spaces and initiatives.
2. **Women’s, Nonbinary, and Trans Committee.** The WNT Committee — chaired by Elliott DeRiso, Dallas Estes (they/them), and Mikaela Rabb — is an intersectional committee aimed at promoting women, nonbinary, and trans individuals on, and in leadership positions on, the *Law Review*. The Committee hosts both informational and social events throughout the year aimed at building personal and professional support networks among the women on *Law Review*. The WNT Committee also provides input on outreach efforts with the goal of improving gender diversity on the *Law Review*.
3. **Public Interest Committee.** The Public Interest Committee — chaired by Sidd Jejurikar and Leah Smith — provides a community for editors who may pursue public interest postgraduate fellowships and public interest careers more generally. The Committee hosts events about summer, fellowship, and clerkship opportunities; compiles resources on public-interest judges; and highlights the achievements of our public interest–focused alumni. Regardless of prior public interest experience, all 2Ls and 3Ls are welcome to join!
4. **Interfaith Committee.** The Interfaith Committee is a dedicated space for editors from diverse religious and spiritual backgrounds to come together in support, advocacy, and community. This committee is in its inception stages and has ambitions to be a team of editors representing various faith traditions and fostering understanding, respect, and inclusion among members of the *Law Review*.

## VI. LAW REVIEW CONTENT

### TYPES OF OUTSIDE-AUTHOR WRITING

#### Articles, Essays, and Book Reviews

The seven issues after the November issue contain Articles, Essays, and Book Reviews. Articles are typically long, heavily footnoted pieces that concern a broad topic of general interest and convey a clear argument with substantial support. During Volume 118, the *Law Review* joined a loose consortium of other top law reviews in imposing a length cap for articles. We now have a presumption against unconditionally accepting articles over 37,500 words — approximately seventy-five *Law Review* pages. Essays tend to be shorter — typically under forty pages — and more exploratory and open-ended. Book Reviews are, unsurprisingly, reviews of recently published books, which are often used as jumping-off points for authors to advance a separate idea or highly developed critique.

#### Supreme Court Foreword and Faculty Case Comments

The Supreme Court issue in November begins with the Foreword, an article on a Court-related topic (often, but not always, related to constitutional law) written by a distinguished author selected in the fall of the previous year. The Foreword traditionally becomes an oft-cited piece of legal scholarship, and it is generally considered a great honor for an author to be asked to write it. In addition to the Foreword, the November issue contains several outside-author Case Comments written by other distinguished authors.

#### Online Content

The Online Chairs solicit responses to Articles that appear in the printed *Law Review*. These responses are typically around 10,000 words in length — roughly twenty *Law Review* pages — and appear online on the *Law Review*'s website. Responses sometimes spawn their own responses, and the *Forum* facilitates a continuing scholarly conversation. *Forum* Essays follow the same format as responses, except that they are not published in response to an article in the printed *Law Review*. Instead, Essays typically focus on a major contemporary legal issue, often addressing a case presently before the Supreme Court. The Blog also publishes regular pieces about current legal topics and events, including in the form of Online “Recent Things.”

#### Special Content

The *Law Review* has, throughout its history, published other forms of special content, such as Commentaries and Commemorative Essays. Commentaries are pieces that are solicited by the ABC Chair and President from highly regarded and influential figures who have a unique perspective on a particular legal development. One of the *Law Review*'s recent Commentaries was President Obama's *The President's Role in Advancing Criminal Justice Reform* in 2017. Decisions about Commemorative Essays are made by *Law Review* leadership, with input from the body when possible, on a case-by-case basis. When a Supreme Court Justice, prominent judge, or Harvard Law School professor, or famous *Harvard Law Review* alumnus or alumna passes away, the *Law Review* will sometimes publish a Tribute dedicated to them. Tributes are also published when a Supreme Court Justice retires.

### SELECTION PROCESSES

#### Articles and Essays

The *Law Review* publishes approximately ten to sixteen Articles and Essays each year, which are selected through a careful screening process involving every editor on the *Law Review*. The *Harvard*

*Law Review* is entirely unique in this respect: journals at other schools delegate articles selection to a small committee of 3L editors, with the remainder of the editors having little or no input in the process. The *Law Review*'s process proceeds as follows:

1. *Screening.* — The Articles Committee receives several thousand submissions each year. There are two main waves of submissions, one beginning in August and one beginning in February. Articles Committee members review submissions daily and screen out pieces that are clearly frivolous or obviously unsatisfactory for publication in the *Law Review*. The ABC Chair and the Articles Chairs review each day's screening to determine which pieces are sent to the Rotopool stage.
2. *Rotopool.* — Non-Articles Committee members on the *Law Review* first become involved in the selection process by writing "Rotopools" on pieces that have passed the initial screen. A Rotopool is a three- to four-page memorandum from an editor to the Articles Committee providing a summary of the author's arguments and methodology and an analysis of the strengths and weaknesses of the piece. At the Rotopool stage, an editor should not know or attempt to discover the name of an article's author. For more details on Rotopools, please see the Rotopool instructions in *The Whitebook*.
3. *M-Read and Committee Read.* — Articles that look promising following the Rotopool stage proceed to "Member-Read" ("M-Read"). An M-Read is an in-depth memorandum written by a member of the Articles Committee that analyzes a piece's merits and offers a recommendation on whether it should be passed on for discussion by the full Articles Committee. After reviewing the M-Read memo, the ABC Chair and Articles Chairs decide whether an article merits a "Committee Read" ("C-Read"). If so, the entire Committee discusses the piece and votes on whether to send it to an "Office Read" ("O-Read"), at which the entire *Law Review* body votes on whether to publish the piece.
4. *Literature Review and Faculty Reads.* — If the Articles Committee votes to have an O-Read, a Poolworker conducts a "Literature Review" on the piece to evaluate its contribution to existing literature. The manuscript is also given to several faculty members, who provide their impressions of the piece ("Faculty Reads"). The results of the Literature Review and Faculty Reads are presented at the O-Read. Faculty Reads are highly confidential and should not be discussed outside the O-Read.
5. *Office Read ("O-Read").* — Final selection is made by vote at the O-Read, which every editor on the *Law Review* is strongly encouraged to attend. In order to vote at an O-Read, an editor should read the Article under consideration, the Faculty Reads, and the Literature Review. An editor who has worked as a research assistant on the Article may not vote at the O-Read, and all editors must disclose other potential conflicts of interest when speaking. If a majority of the editors present at O-Read, or voting absentee, vote to accept an article, the ABC Chair will extend a formal offer of publication to the author. The offer of publication may be conditioned upon the author shortening the piece, according to Volume 133's ART-01 Transition Resolution. Once an article is selected, the editing process begins.
6. *Emergencies.* — The Articles selection process can be very fast-paced. Some of our competitor journals make exploding offers, which require authors to accept offers of publication within a few days, twenty-four hours, or even on the spot. The *Harvard Law Review*, along with several other law reviews, including those at Yale and Stanford, have agreed not to make such offers, as they disproportionately disadvantage young untenured authors of color. However, when an exploding offer is made, waiting to convene an O-Read could mean losing the chance to publish an important article. Consequently, when there is

an “emergency,” the ABC Chair and the President have the authority to accept a piece on their own. This power, however, is rarely exercised.

### **Book Reviews**

Unlike Articles and Essays, Book Reviews are usually solicited. The Book Reviews Chair’s job involves maintaining regular contact with faculty members, keeping abreast of the latest legal literature to determine which recent books are suitable for review, and soliciting the body’s thoughts and suggestions. Ultimately, together with the ABC Chair and the President, the Book Reviews Chair selects approximately three to six Book Reviews per volume.

### **Online Content**

Pieces for the *Forum* are generally solicited by the Online Chairs, in consultation with the President and Managing Editors. Pieces submitted to the *Forum* or regular Articles selection process that are particularly suitable for *Forum* publication may also be accepted. The Online Chairs also solicit and review submitted content for the Blog.

The Online Chairs are required to provide transparency into content selection to both *Law Review* leadership and the body of editors.

Soliciting content typically requires full-body notice and comment. Before giving notice, the Online Chairs must consult with the President. After giving notice, the Online Chairs should aim to provide the body *at least* 48 hours for comment, though the window may be shortened if necessary. The Online Chairs (in consultation with the President) are the final decisionmakers on all *Forum* solicitation decisions, but good faith consideration of comments from the body is required. The Online Chairs may forgo notice and comment with approval from the President.

Accepting submitted content requires consultation with the President. Notice and comment is recommended — though it often may not be possible or practical. In some cases, the President may ask for notice and comment for submitted content.

## **OVERVIEW OF THE OUTSIDE-AUTHOR EDITING PROCESS**

### **S-Read**

Once a piece is selected for publication, one or several editors conduct S-Reads on the piece. The S-Read is designed to contribute to the President’s P-Read (see below). An S-Read consists of a four- to six-page memorandum to the President addressing high- and mid-level issues with a piece’s structure and argument. For more details, please see the S-Read instructions in *The Whitebook*.

### **P-Read**

At the P-Read stage, the President reads an outside-author’s piece and provides the author with a detailed substantive memorandum. The President reviews the S-Read memoranda and incorporates their suggestions into their own P-Read memorandum to the author.

### **Subcite**

During the substantive cite-checks (“Subcites”), a team of editors checks the substance of every citation in a piece against the original source and the form of every citation in the piece for compliance with *The Bluebook* and *The Blackbook*. Subcitors also line-edit text. Upon completion of the Subcite, the Super-E on the piece sends the Subcite comments to the author. The author then reviews the comments and indicates which suggestions they accept. In some cases, the author may make extensive revisions to the piece based on editors’ suggestions. For more details, please see the

Subcite instructions in *The Whitebook*. There are two rounds of Subcites on each piece with the exception of *Forum* pieces, which receive one round.

### **EE-Read**

After the author revises the piece following the second Subcite, the Super E passes responsibility for the piece on to an Executive Editor, who does an EE-Read. During the EE-Read, the Executive Editor conducts a final substantive review of the piece for characterization, sourcing, and attribution issues and brings the piece into conformity with the *Law Review's* grammar, style, and citation conventions.

### **Galleys and Pages**

Following EE-Read, the Executive Editor sends the piece through one round of galley proofs (“Galleys”) and one round of page proofs (“Pages”). In these final stages, Poolworkers proofread sections of the piece to catch technical and formatting errors. For more details, please see the Galleys and Pages instructions in *The Whitebook*.

### **Bookproofs and Contractproofs**

After Galleys and Pages, the Managing Editor of Publication and the Executive Editors perform Bookproofs, a weekend-long process of correcting any final errors and compiling the numerous pieces together into the completed issue.

The Managing Editor of Publication then proofreads each piece (“Contractproofs”). Upon implementing Contractproofs edits, they send PDF copies of each piece to the *Law Review's* publisher. The publisher subsequently sends back a publication-ready copy, which the MEP proofreads one last time and then approves for publication.

## **OVERVIEW OF THE BLOG EDITING PROCESS**

### **B-Read**

The President, an Online Chair, Notes Chair, or Notes Editor B-Reads the piece (the Online Chairs and Notes Chairs consult to divide B-Read responsibilities). The editor leaves comments on the piece that offer high- and mid-level suggestions. The author then reviews the suggestions and sends back an updated draft.

### **Copyedit & Fact Check**

After the author sends a revised draft following the B-Read, an editor conducts a copyedit & factcheck (“CEFC”). The editor reviews the draft for support, characterization, and technical issues. See *The Whitebook* for more details.

### **Expedited Edit**

Because Blog pieces often respond to timely events, they often require an expedited timeline. For example, an outside author might submit a piece conditioned on publication within a certain timeframe. In such situations, the President may approve an expedited editing process. This typically involves consolidating the B-Read and CEFC.

## **STUDENT WRITING**

Almost half of the *Law Review* consists of student-written material, including Recent Things, Notes, Supreme Court Case Comments (for the November issue), and DEVO (for the April issue). Student pieces go through an editing process similar to the editing process for outside-author pieces, with early stages focusing on higher-level edits, followed by Subcites, and then EE-Read, Galleys,

Pages, Bookproofs, and Contractproofs. Each student author is assigned a Notes Editor, who works with the author on their piece until it enters the Pool for Subcite. For details about student writing, please see *The Brownbook*.

### **TYPES OF ASSIGNMENTS**

A number of the Pool assignments that editors work on are listed above (e.g., Rotopools, S-Reads, Subcites, Galleys, and Pages). For details about all Pool assignments, please see *The Whitebook*.

### **CONFLICTS OF INTEREST**

Any editor who has done outside work on an Article — including, but not limited to, performing research for or editorial work on that Article — or who is a close relative or romantic partner of the author of a given Article may not participate in any part of the selection process for that Article.

An editor who has worked for the author of an Article — though not on the Article itself — may attend the O-Read and vote on the Article, but must disclose this relationship before speaking at the O-Read. When relevant, editors are expected to disclose any such relationships to the ABC Chair and Managing Editor of Operations before O-Read to facilitate adherence to this policy.

## VII. POOLWORK

The “Pool” is the system through which editorial work is distributed to editors. On average, each 2L editor will spend nearly two-thirds of the fall semester “in the Pool” doing the day-to-day assignments that are needed to produce the *Law Review*. These assignments range from writing preliminary memos about potential Foreword authors to proofreading pages that are ready to go to the printer. Without diligent, indeed zealous, completion of each of these assignments, the quality of the *Law Review* would suffer greatly.

### THE POOL

The Pool is in operation seven days a week for the entire academic year, with the exception of Winter Break and, **at the discretion of the Managing Editor of Operations**, study periods and holidays. The Pool is also in operation for 2Ls during Orientation and in August. The MEO sets the number of Pool days to be worked by editors at the beginning of each month. 2Ls work approximately 20 days in most months. A 3L’s monthly workload is dependent upon their officer position and was set by the volume during Transition. Editors are usually given a choice of which days to work in a given month, although the Managing Editor of Operations retains discretion to limit that choice and require work on certain days. Further, editors cannot choose to be in the Pool in one-day blocks; all their days must be in blocks of two or more consecutive days. When there is a lot of work to be done, the MEO may ask for additional Poolworkers.

Pool assignments are usually worth one to three days of Pool credit. The assignments vary considerably in complexity and time required. Sometimes, editors will have an extra day or more to work on an assignment (e.g., an editor will receive two days of Pool credit for an A-Read, but may turn in the A-Read three days after it is assigned). The deadline and the nature of each assignment are indicated by the Managing Editor of Operations in the Pool email notification or in a subsequent email. Please read all instructions carefully, and pay special attention to the deadline.

**Deadlines for assignments are strictly enforced, and failure to comply may result in loss of bank days and other penalties.** Please note that most assignments are due at 2:00 PM Eastern Time — there is no grace period. (An assignment turned in at 2:01 PM is late and may be penalized.) Otherwise, efficient operation and timely publication of the *Law Review* would be jeopardized. Additionally, your fellow editors/officers are often waiting on your Poolwork in order to send the piece to an author by their own deadline.

As a general matter: if, as a Poolworker, you foresee difficulty in completing work on time, or if an assignment proves so complex that more time is needed, you should speak to the Managing Editor of Operations as soon as possible, looping in for awareness the Super-E (for Bookgrabs, Substance Checks, and Subcites), the EE (for Galleys and Pages), or the Notes Editor and Notes Chairs (for A-Reads). The MEO (**and only the MEO**) can grant extensions or adjust work as needed. Allowing the MEO to think work has been completed or forcing an editor or author to wait in uncertainty is unacceptable.

The Managing Editor of Operations will work to ensure that over the course of the year, each editor receives a broad variety of Pool assignments, and that assignments are distributed equitably. Please talk to them if you have questions or concerns about your Pool assignments.

### POOL ACCOUNTING, ACCOMMODATIONS, AND EMERGENCIES

It is important for all editors to fulfill each month’s Pool requirements. Moreover, the *Law Review* is devoted to ensuring that all editors are provided with adequate support in their work. Editors who

require accommodations should contact the Managing Editor of Operations. The *Law Review* recognizes that unforeseen emergencies do happen, and that sometimes editors may not be able to rearrange their Pool days ahead of time. Editors who must exit the Pool unexpectedly should contact the MEO as soon as possible. If you foresee that you will need to be absent from the Pool for an extended period of time, please fill out the [Pool Health Leave form](#) or contact the MEO. If you need other accommodations, please contact the MEO. Once the MEO receives an accommodations or leave request, they will work with each editor individually and discretely to craft a work plan to meet their needs. Never hesitate to speak with the MEO about any difficulties you have with work on the *Law Review*. They are here to help!

Pool credits may **not** be exchanged among editors. Each new editor will receive three days of Pool credits (“banked days”) at the beginning of the year. Editors writing pieces for the *Law Review* also receive a certain number of banked days for working on their pieces (see *The Brownbook* for specifics). At the discretion of the Managing Editor of Operations, editors may accumulate banked days by doing extra Poolwork. Editors may not “bank out” of more than half of their Pool requirement in any given month.

The Managing Editor of Operations reserves the discretion to accept or deny requests to change an editor’s Pool schedule after that editor has submitted their monthly Pool preference form.

To prevent the *Law Review* from grinding to a halt at the end of each semester, Poolworkers who have banked large numbers of credits may not cash them all in together right before exams. There is usually just as much — if not more — work to be done at that time of the year, and if too many editors were to pull the ripcord, the *Law Review* would publish late. Late publication is unacceptable. Thus, although the Pool requirements in December and April are reduced to accommodate exams, the Managing Editor of Operations may limit the number of banked days that can be used during those months. The MEO may also set other special Pool rules from time to time, including bank-day blackout periods and more, to ensure that production moves smoothly and the *Law Review* publishes on time.

## RECEIVING YOUR POOL ASSIGNMENTS

Daily Pool assignments are posted online, and editors also receive them via email notification. Absent unusual circumstances, the Managing Editor of Operations posts the Pool assignments the evening before (or the early morning of) the day an editor is scheduled to be in the Pool. An editor’s assignment will be placed in the relevant folder on SharePoint. Usually the MEO indicates via email notification when an assignment is *not* ready as of the Pool email going out. Although assignments may be posted online and visible days ahead on the Pool calendar, **assignments are not final until the Pool email has been sent**. Things are always changing. Please check with the MEO **before** you start an assignment slated for a future date. Moreover, the MEO will sometimes give editors advance notice of an assignment for planning purposes, but rest assured that there is no need to start an assignment before it is officially assigned.

## COMPLETING THE WRONG ASSIGNMENT

On rare occasions, an editor will accidentally complete the wrong Pool assignment. Consequences may vary, but the hapless editor will most likely be asked to either (a) complete the correct assignment by the original deadline, or (b) forfeit a number of banked days (equal to the Pool days the assignment was worth). Should you find yourself in this unfortunate situation, you should contact the Managing Editor of Operations immediately.

## ASSISTANCE AND FEEDBACK

If you find you are having difficulty figuring out what an assignment entails, finding necessary source material, getting through a difficult draft, or experiencing any other problem with an assignment, talk to the Managing Editor of Operations or relevant officer. If you are doing a Subcite and are having trouble with *The Bluebook* or with deciding what you need to find in a source, talk to a Super-E or EE. Do not think of this as “bothering” them; they want you to ask them these questions — if you don’t find the right information, they will have to take the time at a later date to find the appropriate information themselves.

You will receive feedback on your first Pool assignments and intermittently throughout the year. This feedback will be given both formally and informally. Informal conferences are also encouraged after an editor completes an assignment for a student author. These informal conferences with editors and authors are an important part of the editing process; they not only help the author or editor, but also assist new editors with future assignments.

**Never hesitate to ask questions.** It is better to stop and ask for help than to do an assignment incorrectly. If you don’t know who to reach out to regarding feedback, ask the MEO.

## POOL FILES

Your Poolwork will be available for review during the election of new officers for Volume 139, and will be assessed as part of the elections process. To save yourself time in the future, **you are strongly advised to save all your daily Poolwork to your local desktop**, organized by type (e.g., Subcites, Rotopools, A-Reads).

## VIII. FORMAL LEAVE POLICIES

### PARENTAL LEAVE

Upon or in anticipation of the birth or adoption of a child, an editor will be given up to two months off of Pool work, as well as an exemption from their officer responsibilities. This exemption will necessarily look a bit different for each role, so it will be defined in each case by the editor, the Managing Editor of Operations, and, if applicable, their committee head (Notes Chairs, ABC Chair, etc.). If you would like to avail yourself of this policy, please email the MEO to work out the details.

### SICK LEAVE

The Pool is important, but so are health and wellness. If you feel unwell on a day that you are in the Pool, please contact the Managing Editor of Operations immediately, or fill out the [Pool Health Leave form](#) for extended absences. The MEO may be able to arrange extended time for an assignment or modify your Pool days. If you know that you will need to be absent from the Pool for medical-related issues such as an upcoming surgery, please fill out the above form or see the MEO. The MEO will also accommodate injuries that make it difficult to come to campus with off-campus work.

### BEREAVEMENT LEAVE AND OTHER EMERGENCIES

Please contact the Managing Editor of Operations in the case of any and all emergencies. Exemptions from the Pool will be arranged on a case-by-case basis.

## VIII. GOVERNANCE

### OVERVIEW

Formally, the Board of Trustees is the *Law Review's* governing body and has supervisory authority over the organization. However, as a practical matter, the Trustees have a tradition of leaving governance decisions to the officers and editors of the *Law Review*. In general, the President, in consultation with the Managing Editors and Vice Presidents, other relevant officers, committee chairs, or the body at large, makes policy and governance decisions.

From time to time, there will be meetings of all *Law Review* editors to discuss matters of general concern. At these meetings, known as “body meetings,” editors may vote to adopt resolutions regarding specific policies or other matters, subject to the limitations set forth in the *Law Review's* constitution.

### TRANSITION

One of the *Law Review's* unique characteristics is that each class has the opportunity to amend the *Law Review's* operational procedures (subject to the constraints of the *Law Review's* constitution). Each January, before officer elections, 2L editors pass a series of resolutions to dictate how they want to run the *Law Review* the following year. The Strategy & Oversight Chair, and potentially other 3L editors, will brief the lower volume on Transition in the late fall and assist in its operation.

### JANUARY TERM AND STUDY ABROAD

Because Transition occurs in January, all 2L editors are encouraged to remain in Cambridge during their entire 2L year, including January Term. 2L editors who have a compelling academic reason not to be in Cambridge during Transition can get an exemption at the discretion of the Managing Editor of Operations; however, they still must be available digitally for meetings and must be in Cambridge during the weekend of live voting. If you anticipate wanting to take advantage of this remote option, please speak to the MEO as soon as possible, but note that such exemptions are rare.

There are two opportunities for editors to study abroad during the 3L year:

#### January Term

3L editors may leave Cambridge during January Term, provided their absence will not conflict with any of their officer responsibilities. 3L editors must return to campus before the presidential election. If you would like to take advantage of this opportunity, please talk to the Managing Editor of Operations as soon as possible.

#### Study Abroad

Editors may not study abroad during the 2L year. In the 3L year, there is a general presumption against editors studying abroad, but the presumption can be overcome if an editor's petition to study abroad satisfies two requirements. First, the editor must show that studying abroad serves a truly compelling academic, professional, or personal goal. While this is an inherently subjective judgment, the “compelling” threshold is meant to be a high bar (in light of the presumption against studying abroad). Second, the editor must establish that they would be able to fulfill substantially all the normal officer and Poolwork duties to the same standard of excellence as if that editor were in Cambridge. Both judgments are to be made by a majority vote of the President, Managing Editors, and Vice Presidents. If the presumption is overcome, the editor may study abroad for a maximum of one semester in the 3L year (fall or spring).

Editors who wish to study abroad during the fall semester of 3L year must formally express their interest before the end of classes during the spring semester of 2L year. Editors who wish to study abroad during the spring semester of 3L year must formally express their interest before November 1 of 3L year. For the purposes of this policy, a formal expression of interest shall be an email to the President, Managing Editors, and Vice Presidents stating: (a) the semester during which the editor wishes to study abroad; and (b) the academic, professional, or personal goal that studying abroad would advance. The President, Managing Editors, and Vice Presidents shall evaluate all expressions of interest as they are received, and shall promptly notify any editors who have been permitted to study abroad. To encourage advance planning, preference will be given to earlier expressions of interest. In no case shall the total number of editors in one volume who study abroad exceed two.

### **ELECTION OF OFFICERS**

In late January and early February, elections are held first for the President and then for other officer positions. Under the *Law Review's* constitution, the President can be elected only by a majority of all active members of the *Law Review*, including both 2Ls and 3Ls. All editors are required to attend the presidential election. After the new President is elected, the remaining elected officers are chosen through a combination of live and online voting. In the weeks preceding elections, each candidate's Poolwork file is made available so that all editors can consider the candidate's work. More information will be provided in the fall.

The change of administration takes place very quickly (and for certain officers, immediately), with 2L editors having much responsibility for putting out the spring issues.

# APPENDIX A: CONSTITUTION AND BYLAWS OF THE HARVARD LAW REVIEW ASSOCIATION

## ARTICLE I.

### Name and Object

The name of this Association shall be the Harvard Law Review Association. Its object shall be to publish law books and a legal periodical, and in general to advance the scientific study and development of the law in connection with and for the benefit of Harvard Law School, an unincorporated division of the President and Fellows of Harvard College.

## ARTICLE II.

### Membership

Membership in the Association shall be purely elective, and shall consist of (A) active members and (B) associate members.

- (A) The active members shall include the present editors of the legal periodical published by the Association. Future active members may be elected by the President and Treasurer pursuant to the writing competition selection process and the holistic review process. Active membership shall cease (1) upon graduation from, or other severance of connection with, the Harvard Law School; (2) upon resignation and acceptance thereof; or (3) upon vote of three-fourths of the active members.

It shall be the duty of the active members under the direction of the President and of the assistants appointed by the President, to perform the editorial work in connection with the publication of the legal periodical published by the Association.

- (B) The associate members shall include: (1) all past and future editors of the legal periodical published by the Association after ceasing to be active members, provided, however, that no active member who ceased or shall hereafter cease to be an active member because of the three-fourths vote of the active members shall be an associate member; and provided further, that no one who has resigned or shall hereafter resign without having done one full year's work as an active member shall be an associate member, unless he is so elected by a majority vote of the active members; and (2) Trustees and former Trustees of the Association.

## ARTICLE III.

The officers of this Association shall be (A) a President; (B) a Treasurer (who shall also act as clerk); and (C) a Graduate Treasurer. There shall be (D) a Board of Trustees; and (E) a Board of Overseers.

- (A) The President shall be elected annually in January, February, or March by the active members of the Association and shall as soon as practicable assume the duties of the office under the supervision of the outgoing President. Only active members who are in the second-year class of the Harvard Law School shall be eligible for election to the office of President.

The President shall hold office as soon as elected until the next President is elected, unless the President shall before then sever their connection with the Harvard Law School, or resign and their resignation be accepted. The President shall not hold office for more than

one year (provided a successor shall at that time have been elected, otherwise until the election of such successor).

The method of voting for President shall be as follows: When the nominations are closed, each voter shall write on a ballot the names of all the candidates in order of preference. The numbers of each candidate shall then be totaled, counting first place as one, second place as two, etc. The one with the highest number shall be eliminated. Any other name or names may be eliminated by a majority vote. This process shall be repeated until only two candidates are left, when the first who receives a number of first choices equal to a majority of a number two less than the total membership of the board shall be declared elected. For purposes of this election the presiding officer shall vote equally with the other members. No member shall vote while a candidate. If, through temporary absences, such a majority cannot be obtained for any candidate, another meeting shall be called. In case of protracted absences, appropriate measures for canvassing the vote of such absent members may at any time be taken by the officers. If, the votes of all active members having been canvassed, the vote between the two final candidates shall three times result in a tie, the President and the assistants appointed by the President shall choose between the two candidates.

In the event of a vacancy in the office of the President, the candidate last eliminated shall automatically succeed to that office. Thereafter the line of succession to the presidency shall be in the inverse order in which the next four candidates were eliminated. A President taking office in this manner shall serve only for the remainder of the term of the President's predecessor. Should none of the five candidates last eliminated be available to take office, a new election shall be called in accordance with Article III, Section (B).

It shall be the duty of the President to conduct the editorial work of the legal periodical published by the Association — appointing such active members as assistants as may be thought necessary; and to act as the chief executive officer of the Association, provided, however, that the President shall not enter into any contract involving expenditure greater than the limit set by the Board of Trustees in accordance with Article III, Section (D) without the approval of the Board of Trustees, nor commit the Association for a period extending beyond their term of office without the approval of the Board of Trustees.

The President shall, before relinquishing office, submit to the Board of Trustees a report of the work of the Association during the President's term of office.

- (B) The Treasurer shall be elected annually in January, February, or March by the active members of the Association who are members of the junior Volume. Only active members who are in the second-year class of the Harvard Law School shall be eligible for election to the office of Treasurer. The Treasurer shall as soon as practicable assume the duties of the office under the supervision of the outgoing Treasurer. The Treasurer shall hold office as soon as elected until the next Treasurer is elected, unless the Treasurer shall before then sever their connection with the Harvard Law School, or resign and their resignation be accepted; provided, however, that the Treasurer may be removed by the President with the approval of the Board of Trustees. The Treasurer shall not hold office for more than one year (provided a successor shall at that time have been elected, otherwise until the election of such successor).

It shall be the duty of the Treasurer, subject to the supervision and control of the President, to assist in the editorial work of the Association, to make returns as required by law, and to manage the current finances during the Treasurer's term of office. The Treasurer may appoint assistants or managers to assist both the Treasurer and the President, which

assistants may receive such salaries as the Board of Trustees shall approve, and need not be members of the Association.

It shall also be the duty of the Treasurer to make and preserve accurate records of the proceedings of the meetings of the active members and the Board of Trustees. The Treasurer may enter into contracts in the name of the Association in order to further the objects of the Association, provided, however, that no contract requiring expenditure greater than the limit set by the Board of Trustees in accordance with Article III, Section (D) or committing the Association for a period extending beyond their term of office or that of the President shall be valid unless approved by the Board of Trustees.

The Treasurer shall, before relinquishing office, submit to the Board of Trustees a report showing the financial condition of the Association and its income and expenditures during the preceding year. The Treasurer shall also cause to be made an annual audit by a certified public accountant of the accounts of the Association, showing in detail the assets and liabilities of the Association, and the income and expenditures of the Association during a prescribed twelve-month period, which audit shall be submitted to the Board of Trustees.

Should the office of the President remain vacant despite the provisions in Article III, Section (A), the Treasurer shall assume control of the Association and shall call a meeting as soon as practicable for the purpose of electing a President to serve for the unexpired term of the preceding President.

The Treasurer shall turn over to the Graduate Treasurer as much of the profits and surplus as the Board of Trustees considers unnecessary for the current operations of the Association.

- (C) The Graduate Treasurer shall be elected by the Board of Trustees and shall be approved by a majority of the members of the Board of Overseers. The Graduate Treasurer shall hold office until the Graduate Treasurer's successor be elected and approved.

All funds turned over in the past to trustees of the Harvard Law Review Association for the benefit of the Association together with all interest and profits thereon and other additions thereto, and all property or claims held in trust for the benefit of the Association or its predecessors, and all surplus and profits derived in the future from the business of the Association, and all donations from whatever source received shall, if the Board of Trustees so directs, be turned over to the Graduate Treasurer. It shall be the duty of the Graduate Treasurer, in the name of the Association, to invest and control all the property thus entrusted to them, and the Graduate Treasurer shall have the power, in the name of the Association, to do all acts which in the Graduate Treasurer's sound discretion appear necessary for the proper investment and preservation of the property entrusted to them. The Graduate Treasurer may commingle the funds of the President and Fellows of Harvard College with the consent of said President and Fellows and subsequently may segregate or separate such funds at such value as the Graduate Treasurer and said President and Fellows shall deem equitable. The Graduate Treasurer shall have the power to mortgage, pledge, sell, or otherwise dispose of the property entrusted to them, in order to pay over to the Treasurer such sums as may be necessary for carrying out the objects of the Association, provided, however, that any appropriation requiring disposition of property held by the Graduate Treasurer shall be authorized by a vote of the Board of Trustees.

The Graduate Treasurer shall make an annual report to the Board of Trustees and to the Board of Overseers, which report shall indicate all investments held by the Graduate Treasurer for the benefit of the Association, and all changes therein, and all sums paid over

to the Treasurer or otherwise expended during the year. The Graduate Treasurer's accounts and the securities held by the Graduate Treasurer shall be audited annually by a certified public accountant at the time the books of the Association are audited.

The Graduate Treasurer shall, after the election and approval of a succeeding Graduate Treasurer as hereinbefore provided, turn over to such successor all the property entrusted to the Graduate Treasurer for the benefit of the Association and all interest, profits, and accumulations derived from such property; and after approval of the Graduate Treasurer's account by the Board of Trustees, they shall be discharged from further liability.

In the case of the death or incapacity of the Graduate Treasurer, the Dean of the Harvard Law School, ex officio, shall succeed automatically to the powers and duties of the Graduate Treasurer and shall have those powers and duties until a succeeding Graduate Treasurer be elected and approved.

Upon the dissolution of the Association, the Graduate Treasurer shall pay over all funds remaining after the payment of all debts and liabilities, (a) to any successor of the Harvard Law Review Association which shall be operated exclusively for the purposes set out in the charter of the aforesaid Harvard Law Review Association and none of the net income of which shall be applied to the benefit of any private individual, provided that such successor shall have been approved by a three-fourths vote of the active members of this Association, and a two-thirds vote of the Board of Trustees, and a three-fourths vote of the Board of Overseers; (b) failing such vote, to pay the said funds or property to the President and Fellows of Harvard College, upon trust, to form a fund to be known as the Harvard Law Review Fund, the income to be applied, in whole or in part, at the discretion of the said President and Fellows, to the support of a University publication of law or to the publication of any original work on law written or prepared by any professor, instructor, or student in the Harvard Law School; provided, however, that if the faculty of the Harvard Law School should recommend that the said income or capital be no longer held for the purpose hereinbefore mentioned, the said President and Fellows shall then have the power to apply the income or capital for the benefit of Harvard University, in such manner as may seem most fitting and proper.

- (D) The Board of Trustees shall consist of: (1) The Dean of the Harvard Law School, ex officio; (2) two members of the Faculty of the Harvard Law School to be elected by the active members of the Association with the approval of a majority of the members of the Board of Overseers, who shall hold office until their successor be chosen; (3) The Graduate Treasurer, ex officio; (4) The President, ex officio; (5) The Treasurer, ex officio (who shall act as clerk); (6) one associate member of the Association to be elected by the active members of the Association with the approval of a majority of the members of the Board of Overseers, who shall hold office until their successor be chosen.

The Board of Trustees shall have general supervisory powers over the policies, work, and finances of the Association. It shall receive and pass upon the reports of the President, Treasurer, and Graduate Treasurer. It shall decide what portion of the profits and surplus derived from the work of the Association shall be paid over to the Graduate Treasurer. It shall set periodically a limit on unapproved spending by undergraduate officers. The limit shall not be below \$200. The approval of the Board of Trustees shall be required for any contract or commitment made by the undergraduate officers which shall obligate expenditure by the Association greater than that limit or commit the Association for a period extending beyond the term of office of the President, and for any appropriation from the funds entrusted to the Graduate Treasurer.

The Board of Trustees shall meet at least twice a year and as often as requested by the President, for the purpose of transacting necessary business, and discussing and giving advice upon matters of interest to the Association.

A quorum of the Board of Trustees shall consist of four members thereof; but no action of the Board shall be valid unless approved by two of the Trustees exclusive of the President and Treasurer.

(E) The Board of Overseers shall consist of the retiring Presidents of the Association who shall serve for the three years next following their retirement. The Board of Overseers shall constitute an honorary and advisory body.

Members of the Board of Overseers shall receive the reports of the President, Treasurer, and Graduate Treasurer and shall from time to time give such advice as they may individually or collectively deem wise.

The approval of a majority of the members of the Board of Overseers shall be required to confirm the election of the faculty members of the Board of Trustees and of the Graduate Treasurer and to ratify any amendment to this Constitution and Bylaws.

#### ARTICLE IV.

Upon the President's own initiative, or at the request either of the Board of Trustees or of three active members, the President shall from time to time call such meetings of the active members as shall be thought necessary, notice of all meetings being given by the President at least three days in advance. A quorum at a meeting of the active members shall consist of two-thirds of the active members.

#### ARTICLE V.

No officer or member of the Association shall receive any recompense for the performance of any duty imposed upon them by this Constitution and Bylaws; nor shall there be any division of profits among the members; but this clause does not prevent the employment and payment of the members or officers for work not prescribed by this Constitution and Bylaws, provided that such employment and payment be authorized by a majority vote of the active members and be approved by the Board of Trustees.

#### ARTICLE VI.

This Constitution and Bylaws may at any time be amended by a two-thirds vote of the active members, and a two-thirds vote of the Board of Trustees, with the assent of a majority of the Board of Overseers. This Constitution and Bylaws or any portion thereof may be suspended for a period of not more than three months by a three-fourths vote of the active members and a unanimous vote of the Board of Trustees.

#### ARTICLE VII.

In all questions of construction or interpretation of this Constitution and Bylaws the decision of the Board of Trustees shall be final.

## APPENDIX B: POLICY AGAINST SEXUAL, PHYSICAL, AND OTHER UNLAWFUL HARASSMENT

- **Guiding Principle**
  - *Maintaining a Safe and Respectful Community and Workplace.* — All editors and staff members have the right to participate in *Law Review* activities and to interact with their colleagues within a safe, comfortable, and respectful environment. As an institution, the *Law Review* is committed to maintaining an environment free from sexual, physical, and other unlawful harassment.
- **Operating Principle: In General**
  - *Application.* — This policy sets standards that apply to all active members and employees of the Harvard Law Review Association.

### Sexual Harassment

- **Guiding Principle**
  - *Upholding the Law.* — Sexual harassment in the workplace violates state and federal law.
- **Operating Principle: In General**
  - *Compliance with Harvard Law School Policy.* — As students of Harvard Law School, editors should always comport themselves consistently with Harvard Law School guidelines.<sup>1</sup>
- **Operating Principles: Prohibited Conduct**
  - *Quid Pro Quo Harassment.* — An individual's submission to or rejection of sexual or romantic advances, sexual or romantic overtures, or requests for sexual favors will not factor in any way into any decision relating to the publication of an individual's work, assignment of editorial or other responsibilities, appointment to offices or committees or other positions, compensation or professional advancement, or entitlement to *Law Review* membership or services or opportunities.
  - *Unwanted Sexual Attention.* — No editor or staff member will subject any other editor, staff member, or other individual with whom the editor or staff member comes in contact in connection with Association business, to any request for sexual favors, any sexual advance, any sexual contact, or any other speech or conduct of a sexual or romantic nature that:
    - is unwelcome; and
    - has the purpose or effect of either (1) unreasonably interfering with an individual's work, academic performance, or ability to enjoy the *Law Review's* services or opportunities, or (2) creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive work or social environment within the *Law Review*.

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<sup>1</sup>See generally HARVARD UNIV., INTERIM TITLE IX SEXUAL HARASSMENT POLICY (2022), <https://oge.harvard.edu/files/oge/files/interim-title-ix-sexual-harassment-policy.pdf>; HARVARD UNIV., INTERIM OTHER SEXUAL MISCONDUCT POLICY (2022), [https://oge.harvard.edu/files/oge/files/interim-other-sexual\\_misconduct-policy.pdf](https://oge.harvard.edu/files/oge/files/interim-other-sexual_misconduct-policy.pdf). The University's policy applies to Harvard Law School affiliates as well, including *Law Review* employees.

- *Examples of Sexual Harassment.* — Determinations of whether particular language or conduct is subject to disciplinary action under this policy are made on an individual basis, in light of all of the circumstances. The following, however, are some additional examples of conduct that all editors and staff members are cautioned to avoid. Such conduct may violate this policy against sexual harassment, whether or not it constitutes sexual harassment under the law. This is not an exhaustive list.
  - Sexual advances or propositions
  - Comments to, or about, any individual or her/his appearance that are sexually graphic or would otherwise tend to be degrading
  - Any physical contact of a sexual nature
  - Jokes or other remarks with sexual content that is graphic or that may otherwise be offensive to others
  - Sexual gestures or display of objects, posters or pictures of a sexual nature
  - A repetition of any words or conduct of a sexual nature after the person addressed has indicated that such words or conduct are unwelcome
  - Misgendering an editor or staff member
- *Retaliation.* — No editor or staff member will retaliate against any editor or staff member for making or filing a complaint of sexual harassment or for cooperating in an investigation of a complaint of sexual harassment.
- *Consequences for Engaging in Sexual Harassment or Retaliation.* — Any editor or staff member who engages in sexual harassment or retaliation is subject to disciplinary action, up to and including termination of employment or removal from the Association.
- **Operating Principles: Reporting Complaints of Sexual Harassment**
  - *Reporting Complaints within the Organization.* — Any individual wishing to report a violation of this policy should bring such a violation to the attention of the President, Managing Editors, or Vice Presidents. Serious situations brought to the attention of the Managing Editors or Vice Presidents may necessitate the President’s involvement.
  - *Involvement of Outside Authorities.* — In certain circumstances, the President may need to notify Harvard Law School’s Title IX office. Except in exigent circumstances, the President will not take such a step or pursue other formal courses of action without first discussing the situation with the recipient of the harassing behavior.
  - *Confidentiality.* — The Association will strive to maintain confidentiality to the greatest extent possible. All Harvard Law School students also have access to a number of entirely confidential support resources, including the 24-hour confidential hotlines affiliated with the Office of Sexual Assault Prevention and Response (617-495-9100) and the Boston Area Rape Crisis Center (1-800-841-8371). Students can also access counseling and mental health services at <https://oge.harvard.edu> and <https://huhs.harvard.edu/get-care>.

## Physical Harassment

- **Operating Principles: Prohibited Conduct**
  - *Violent or Unwanted Physical Contact.* — No editor or staff member shall engage in violent physical conduct at Gannett or at any *Law Review* function. No editor or staff

member shall persist in physical contact with another editor or staff member over the objection of the recipient of such contact.

- *Threatening or Restrictive Conduct.* — No editor or staff member shall threaten any other editor or staff member with the purpose or effect of causing the recipient of such a threat to fear for his or her physical safety. No editor or staff member shall physically restrict the free movement of any other editor or staff member through or within Gannett, or prevent any editor or staff member from leaving or entering Gannett.
- **Operating Principles: Reporting Complaints of Physical Harassment**
  - *Reporting Complaints within the Organization.* — Any individual wishing to report a violation of this policy should bring such a violation to the attention of the President, Managing Editors, or Vice Presidents. Serious situations brought to the attention of the Managing Editors or Vice Presidents may necessitate the President's involvement.
  - *Involvement of Outside Authorities.* — In serious situations, the President may need to notify officials at the law school or the University Police. Except in exigent circumstances, the President will not take such a step or pursue other formal courses of action without first discussing the situation with the recipient of the harassing behavior.
  - *Confidentiality.* — The Association will strive to maintain confidentiality as outlined above in the section on sexual harassment.

## **Other Unlawful Harassment**

- **Operating Principles: Prohibited Conduct**
  - *Other Unlawful Harassment.* — The Association also recognizes that harassment on the basis of race, religion, disability, sexual orientation, or other legally protected status is a form of unlawful discrimination. No editor or staff member shall engage in such conduct against any individual in connection with the editor or staff member's duties to the Association.
  - *Examples of Unlawful Harassment.* — Examples of conduct prohibited by this policy include, but are not limited to, racial or ethnic slurs and epithets.
  - *Retaliation.* — No editor or staff member will retaliate against any individual for making or filing a complaint of other unlawful harassment or for cooperating in an investigation of a complaint of such harassment.
- **Operating Principles: Reporting Complaints of Other Unlawful Harassment**
  - *Reporting Complaints within the Organization.* — Any individual wishing to report a violation of this policy should bring such a violation to the attention of the President, Managing Editors, or Vice Presidents. Serious situations brought to the attention of the Managing Editors or Vice Presidents may necessitate the President's involvement.
  - *Confidentiality.* — The Association will strive to maintain confidentiality as outlined above in the section on sexual harassment.

## APPENDIX C: POLICY AGAINST BULLYING

- **Operating Principle: In General**
  - *Compliance with Harvard Law School Policy.* — As students of Harvard Law School, editors should always comport themselves consistently with Harvard University and Harvard Law School policies.<sup>2</sup>
- **Operating Principles: Prohibited Conduct**
  - *Definition.* — Bullying, used as a shorthand for hostile and abusive behavior or power-based harassment, is defined here as harmful interpersonal aggression by words or actions that humiliate, degrade, demean, intimidate, or threaten an individual or individuals. For a violation of the Policy to occur, such aggression must be sufficiently severe or pervasive, and objectively offensive, that it creates a work, educational, or living environment that a reasonable person would consider intimidating, hostile, or abusive and denies the individual an equal opportunity to participate in the benefits of the workplace or the institution’s programs and activities. Unless sufficiently severe or pervasive, a single act typically would not constitute bullying.
  - *Examples.* — Bullying may include, but is not limited to, the following behaviors:
    - Abusive expression directed at an individual or individuals, such as derogatory remarks, epithets, or ad hominem attacks that are outside the range of commonly accepted expressions of disagreement, disapproval, or critique in an academic community and professional setting that respects free expression. The Policy encompasses abusive expression or ad hominem attacks that are verbal or nonverbal, spoken or written, recorded, visual, or digital, including content posted to online platforms, academic tools, or social media sites. Examples include:
      - Performance feedback delivered by yelling, screaming, making threats or gratuitous insults.
      - Deliberate and repeated humiliation. This could include actions such as deliberate and repeated shaming of peers on online platforms in response to ideas, beliefs, or opinions shared in the classroom.
      - Malicious comments about a person’s appearance, lifestyle, family, or culture.
    - Unwarranted physical contact or intimidating gestures directed at an individual or individuals. Examples include:
      - A physical, verbal, or written act toward another person, which causes them reasonably to fear for their safety or the safety of others.
      - Invading personal space after being asked to move or step away.
      - Conspicuous and unwarranted exclusion or isolation of an individual or individuals, with the intentional effect of harming their reputation

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<sup>2</sup> See generally HARVARD UNIV., OFF. OF THE PROVOST, NON-DISCRIMINATION AND ANTI-BULLYING POLICIES (2023), [https://provost.harvard.edu/files/provost/files/non-discrimination\\_and\\_anti-bullying\\_policies.pdf](https://provost.harvard.edu/files/provost/files/non-discrimination_and_anti-bullying_policies.pdf). The University’s policy applies to Harvard Law School affiliates as well, including *Law Review* employees.

in the workplace or learning environment and hindering their learning or work;

- Sabotage or threatened sabotage of the studies, work, or career advancement of an individual or individuals. Examples include:
  - Interfering or threatening to interfere with a person's visa status.
  - Spreading false or misleading information or malicious rumors.
  - Sharing confidential information about another person without a legitimate pedagogical or employment-related purpose.
  - Interfering with a person's personal property or work equipment.
  - Damaging or destroying a person's work.
- *Retaliation.* — No editor or staff member shall retaliate against an individual for raising a good-faith allegation, for cooperating in an investigation of such a complaint, for opposing prohibited conduct, for denying or defending oneself against an allegation, or for offering or providing support to an individual who makes or may make a good-faith report of misconduct.
- **Operating Principles: Reporting Complaints of Bullying**
  - *Reporting Complaints within the Organization.* — Any individual wishing to report a violation of this policy should bring such a violation to the attention of the President, Managing Editors, or Vice Presidents. Serious situations brought to the attention of the Managing Editors or Vice Presidents may necessitate the President's involvement.
  - *Confidentiality.* — The Association will strive to maintain confidentiality as outlined above in the section on sexual harassment.

## APPENDIX D: EMAIL AND INTERNET USAGE POLICY

- **Guiding Principles**

- *Professional and Respectful Internet Use.* — As members of a social and professional organization, editors should communicate with each other in a respectful fashion. This principle carries over to written and electronic communication, including emails and online discussion boards.
- *Open Communication.* — The *Law Review* is an organization that regularly relies on electronic communication. As such, it is important that editors and staff members have access to an electronic forum where they feel free to express their thoughts and opinions without fear that such communications will be shared beyond their intended audiences.
- *Opposition to Anonymous and Pseudonymous Communication.* — Demeaning, hurtful, or untrue comments about editors or staff members are particularly troublesome when they are made before a broad audience by anonymous or pseudonymous individuals. As an institution, the *Law Review* opposes such comments, and its members and employees commit to avoid defaming, personally disparaging, or otherwise attacking the personal integrity of other members or employees via the Internet.

- **Operating Principles**

- *Application.* — This policy applies to all active members and employees of the Harvard Law Review Association.
- *Harvard Law School Policy.* — All use of the *Law Review* network is subject to the *Computer & Network Resources Usage Agreement* of Harvard Law School.<sup>3</sup>
- *Computer Usage.* — Editors and staff members should avoid unacceptable use of the *Law Review's* computers, servers, and other electronic resources. Unacceptable uses include:
  - Interfering with the work of others
  - Gaining unauthorized access to computer or network resources
  - Circumventing or violating local networks, electronic accounts, or web security systems
  - Using email accounts of others without permission
  - Damaging or inappropriately degrading the performance of computer and network resources
  - Misrepresenting or modifying the identifying attributes of electronic communications, including the timestamps, message identification numbers, or IP addresses
  - Unlawfully using, duplicating, or distributing software files
  - Performing any conduct that would violate any other policy of the *Law Review* or Harvard Law School

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<sup>3</sup> See generally HARVARD L. SCH., *ITS Policies*, <https://hls.harvard.edu/dept/its/its-policies/usage-policy> (expand “Computer & Network Resources Usage Agreement” accordion).

- *Email & Slack Usage.* — Electronic messages sent by editors or employees of the *Law Review* and pertaining to *Law Review* matters should not be shared with individuals other than the intended recipients without the express permission of the author.
- *Anonymous and Pseudonymous Electronic Communication.* — No editor or staff member may use *Law Review* resources to anonymously or pseudonymously defame, disparage, or otherwise personally attack any individual. This principle determines the local operating context for Harvard Law School’s *Computer and Network Resources Usage Agreement*.<sup>4</sup>
- *Prohibited Websites.* — The President may, at his or her discretion, instruct the Editorial and Web Coordinator to block access from *Law Review* computers to any website that the President deems contributive to a hostile working environment.
- *Restricted Server Folders.* — No editor or staff member should access or attempt to access *Law Review* servers, files, or folders to which they have not been granted privileged access. This includes the personal (i.e., <P:>) drives of other editors, as well as dedicated working-group drives of various offices and committees.
- *Individual Access to Electronic Resources.* — Editors and staff members should always use *Law Review* computers and network resources under their own username and should log off of public computers within Gannett after use. Editors should not share their log-on information with *any* other individuals. Any editor who suspects that their log-on information may have been compromised should contact Jennifer immediately.
- *Revocation of Privileges.* — The President may, at his or her discretion, instruct the Editorial and Web Coordinator to revoke the network access and computer privileges of any editor or staff member who violates the principles outlined in this policy. The President’s decision to revoke the network access or computer privileges of an editor will remain in effect unless reversed by the President or overturned by the Disciplinary Committee, which will meet to review the matter at the request of any editor whose access or privileges have been revoked.

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<sup>4</sup> See generally *id.*

## APPENDIX E: DISCIPLINARY POLICY

- **Guiding Principles**

- *Preference for Informal Resolutions.* — As with any organization, members of the *Law Review* will on occasion have disagreements with one another. As members of both a social and professional community, editors should seek to resolve any conflicts informally — with the assistance of other editors or officers if so desired — before turning to the Disciplinary Committee. The Disciplinary Committee exists to address those rare instances in which an editor’s behavior constitutes a severe breach of conduct, and the Committee frequently goes multiple years without meeting.
- *Purpose.* — The Committee’s central purpose is to guard the interests of the *Law Review* and its editors from any conduct by a member of the Association that poses a significant threat to the well-being of the institution or to any single editor. The Committee may meet to address serious breaches of any of the principles or policies articulated in this manual, or any other conduct that in the Committee’s view is unbecoming of an editor of the *Law Review*. In the context of any particular matter, the Committee’s purpose is to reach a resolution that is equitable for all parties involved and to do so as promptly as prudence and diligence allow.
- *Professionalism and Integrity.* — Any matter addressed by the Committee will be treated with the utmost respect and professionalism by all members of the Committee. Members of the Committee will not discuss sensitive information presented to the Committee with any other editors or individuals.

- **Operating Principles**

- *Application.* — This policy applies to members of the Harvard Law Review Association; it does not apply to employees of the Association.
- *Membership.* — The Disciplinary Committee consists of five ex officio members and three appointed members, as follows:
  - *Ex Officio Members.* — The ex officio members are the President, who acts as Chair; the Vice President/Treasurer, who acts as clerk; the Managing Editor of Operations; the Managing Editor of Publication; and the Vice President/Coordination, Diversity & Outreach.
  - *Appointed Members.* — Three active members are appointed to the Committee by the President.
  - *Term.* — Members of the Committee serve one-year terms, though an individual editor may serve multiple terms.
- *Authority.* — The following authority of the Association is delegated to the Committee:
  - *Receipt and Evaluation of Information.* — The Committee may receive and evaluate any information related to a potential disciplinary matter. The Committee may request the appearance of any member of the Association or request information from any member of the Association related to a pending disciplinary matter. Like the Administrative Board of Harvard Law School, the Committee does not recognize a privilege of noncooperation and

may, therefore, draw such reasonable inferences from noncooperation as it deems appropriate.<sup>5</sup>

- *Request for Independent Information-Gathering.* — In addition to any requests for information made by the Committee, the Committee may, through and subject to the approval of the Association, seek to acquire the services of an independent investigator, factfinder, or other firm or organization.
- *Resolutions.* — Subject to the provision for full-body review outlined below, the Committee may resolve a disciplinary matter in any of the following manners:
  - *No Action.* — The Committee may at any time close a disciplinary matter without taking any action. The Committee may at any time issue a letter to any parties involved in a disciplinary matter explaining its decision or its understanding of the matter at hand.
  - *Informal Reprimand.* — The Committee may issue a letter to an offending member of the Association indicating the impropriety of the member’s conduct. Such an informal letter will be confidential and will be issued directly and exclusively to the member.
  - *Formal Reprimand.* — The Committee may issue a letter to an offending member of the Association indicating the impropriety of the member’s conduct. Such a formal letter will be included in the member’s Pool file if they are an active member, and may otherwise be shared with the active membership in a manner decided by the Committee, though at no point will such a letter be disseminated outside of the Association.
  - *Removal from Office or Committee.* — The Committee may remove an offending active member from any office or committee on which that member serves, with the exception that, subject to Article III, Sections (A) and (B) of the constitution, neither the President nor the Treasurer may be removed from office by the Committee.
  - *Recommendation of Severance from the Association.* — The Committee may recommend to the body that the offending member be removed from the Association, pursuant to Article II, Sections (A)(3) and (B)(1) of the constitution. If the Committee makes such a recommendation, the President will call a meeting of the body under Article IV of the constitution to consider the Committee’s recommendation.
- *Procedure.* — Consistent with the procedures outlined below, the Committee may determine its own course of conduct.
  - *Quorum.* — Five members of the Committee constitute a quorum, provided that the President and at least one Appointed Member must be present at any meeting.
  - *Initiation.* — Any editor, either directly or through a Committee member, may ask the President to convene the Committee.

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<sup>5</sup> HARV. L. SCH., HANDBOOK OF ACADEMIC POLICIES 92 (2023), [https://hls.harvard.edu/wp-content/uploads/2022/07/HLS\\_HAP.pdf](https://hls.harvard.edu/wp-content/uploads/2022/07/HLS_HAP.pdf).

- *Recusal.* — Any member of the Committee may recuse himself or herself from voting or participating in a particular matter if he or she feels unable to perform his or her duties fairly, or if he or she feels that his or her participation would create an appearance of impropriety. Additionally, an editor directly involved in a matter before the Committee may petition the President for the recusal of any member of the Committee. In any instance of recusal, the President will appoint a temporary replacement member to the Committee by lottery.
- *Voting.* — A simple majority of the Committee will determine all actions of the Committee, with the exception that any formal reprimand, removal from office, or recommendation of severance from the Association must, in addition to securing a majority of the Committee, be assented to by the President.
- *Notice.* — Before reaching a final resolution on any matter concerning a member of the Association, the Committee will notify any member facing adverse action by the Committee. Once notified, such a person will have a right to appear before the Committee and to be heard before any final resolution is reached.
- *Confidentiality.* — The minutes and internal deliberations of the Committee are confidential and are not distributed outside the Committee. The Committee may issue findings, statements, or reports to the body on any particular matter, but is not required to do so.

## APPENDIX F: EVENT COSPONSORSHIP POLICY

- **Guiding Principles**

- *Active Involvement with HLS Student Organizations.* — The *Law Review*'s constitutionally articulated purpose is “to advance the scientific study and development of the law.” In keeping with this statement, the *Law Review* seeks to participate in activities at Harvard Law School that further the development of law.
- *Financially Responsible Involvement with HLS Student Organizations.* — Any effort to increase our involvement in sponsoring events that advance the study of law must adhere to some limiting principle, so as not to underwrite the entire Student Organizations Fund with our own financial resources.
- *Ideological Neutrality.* — As a leading forum for legal discussion, the *Law Review* adheres to a longstanding practice of ideological neutrality. In sponsoring events that further the study and development of law, we will always do so in a manner that is fair, open, and balanced. The *Law Review* will make all cosponsorship decisions in a viewpoint neutral fashion. When approached with a request to sponsor a controversial or ideologically driven event, the *Law Review* will exercise caution.

- **Operating Principles**

- *Presumption in Favor of New or Underfinanced Student Groups.* — In order to become more actively involved in campus events while not overtaxing our resources, the *Law Review* will operate under a presumption in favor of working with student groups that are in their first year of existence or that lack the financial means to host panels and other similar events.<sup>6</sup> Although the *Law Review* will remain open to hosting events with other organizations, this principle directs our energy toward supporting events that would otherwise be unlikely to occur due to financial constraints. Specifically, the *Law Review* will be willing to commit up to \$250 per year to any group meeting these characteristics, as such a commitment provides a substantial contribution without taxing the *Law Review*'s financial capacities. In order to ensure that implementation of this policy reflects reality, the Dean of Students will provide the *Law Review* with information identifying HLS organizations that have modest financial means.<sup>7</sup>
- *Co-Sponsorship with Well-Financed Student Groups.* — Requests for cosponsorship from groups with significant financial capacities of their own will be determined on a case-by-case basis. In such instances, the *Law Review* will be more inclined to participate in larger conferences or symposia than in smaller scale panels, brown bags, or lectures. The President will not commit to any large-scale event without first seeking the input and consent of the body.
- *Controversial Events.* — The *Law Review* will not sponsor a debate, lecture, or other event that could draw undue or unwanted attention to the *Law Review* or cast the *Law Review* in an unfavorable light. The President may rely as necessary on polls of the body to provide a reference point for determining the extent to which a given event may be perceived as unduly controversial.

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<sup>6</sup> HLS groups in the first year of existence are almost universally subsumed within the set of groups that have modest financial means, as first-year groups receive no more than \$400 from the law school.

<sup>7</sup> Specifically, student groups seeking co-sponsorship with the *Law Review* will be asked to provide, through the Dean of Students Office, the most recent financial information that the group submitted to the Student Funding Board.

- *Access.* — All events co-sponsored by the *Law Review* must be open to the public.

## **APPENDIX G: CORPORATE GOVERNANCE POLICIES**

### **HARVARD LAW REVIEW ASSOCIATION CONFLICTS OF INTEREST POLICY**

The Harvard Law Review Association (“the Association”) and the editors, governing boards, and employees of the Harvard Law Review (collectively, “Affiliates”) recognize that, to fulfill our mission, we must systematically and proactively address conflicts of interest. Financial interests are the most obvious sources of potential conflict. Furthermore, that potential exists when the financial interests are held, at a minimum, by an individual or his or her spouse, committed partner, or dependent children. Conflicts can also arise from nonfinancial sources such as competing editorial responsibilities, academic or professional competition and affiliations, and personal relationships.

Any potential conflict of interest or matter involving the appearance of impropriety on the part of any Affiliate should be disclosed to the President of the Association and made a matter of record as soon as the issue in question is raised and a possible conflict is known.

Any Affiliate having a conflict of interest on any matter shall not vote on the matter, after disclosure of the same, but shall be counted in determining the quorum for any such meeting. The minutes of the meeting should reflect that a disclosure was made and the abstention from voting was made by the individual having such a conflict.

The foregoing requirements shall not be construed as preventing the President of the Association or any other Affiliate from stating his or her position on any matter, or from answering pertinent questions of other affiliates since his or her knowledge may be of beneficial assistance to the Association.

### **HARVARD LAW REVIEW ASSOCIATION DOCUMENT RETENTION POLICY**

The Harvard Law Review Association is committed to retaining documents as required by law. It is a crime to alter, cover up, falsify or destroy any document to prevent its use in an official proceeding. It may be necessary to suspend the destruction of records due to pending, threatened or otherwise reasonably foreseeable litigation, audits, government investigations or similar proceedings. The Harvard Law Review Association takes very seriously its obligations to preserve information. Failure to retain, or persuading someone else to destroy, litigation-related documents may lead to criminal and civil sanctions and possible disciplinary action.

### **HARVARD LAW REVIEW ASSOCIATION WHISTLEBLOWER POLICY**

#### **General**

The Harvard Law Review Association (“the Association”) requires trustees, overseers, editors and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Association, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. It is the intent of the Association to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization’s goal of legal compliance.

If any trustee, overseer, editor or employee reasonably believes that some policy, practice, or activity of the Association is in violation of law, a written complaint must be filed by that person with the President of the Association, or to the Chair of the Board of Trustees, or to the Board of Overseers.

## **Retaliation**

The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of the Association and provides the organization with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

The Association will not retaliate against an employee who in good faith, has made a protest or raised a complaint against some practice of the Association, or of another individual or entity with whom the Association has a business relationship, on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.

The Association will not retaliate against employees who disclose or threaten to disclose to a manager or a public body, any activity, policy, or practice of the Association that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate or public policy concerning the health, safety, welfare, or protection of the environment.