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MEMBERSHIP

MEM-1: INCREASING THE WORD LIMIT FOR OPTIONAL HOLISTIC CONSIDERATION STATEMENTS

PASSED

COMMITTEE VOTE (yes-no-abstain): 7-0-0

ONLINE VOTE: 31-17-2

TEXT: The maximum word count for the optional holistic consideration statement will be increased from 150 to 300 words.

OFFICERS: VP/Treasurer, Holistic Review Committee

DISCUSSION: Expanding the space in which applicants can describe how their life experiences will contribute to the diversity of the Law Review will give the Holistic Review Committee a better knowledge base on which to make judgements. An expansion from 150 to 300 words is unlikely to impose a significant additional burden on HRC members as part of the application review process. Accordingly, the value gained from a better understanding of what applicants have to offer seems likely to outweigh any concerns posed by the additional time spent reviewing optional statements.

MEM-2: REBUTTABLE PRESUMPTION OF THE THRESHOLD FOR HOLISTIC REVIEW COMMITTEE

PASSED

COMMITTEE VOTE (yes-no-abstain): 7-0-0

ONLINE VOTE: 41-6-3

TEXT: If a candidate's score and grades both fall below the median of the respective scores of the full entrant pool, the Holistic Review Committee shall have a rebuttable presumption of rejecting the candidate.

OFFICERS: President, Holistic Review Committee

DISCUSSION: This "backstop" on the Holistic Review Committee is meant to provide greater confidence in the effective functioning of the committee. First put in place by Volume 133, this proposal recommits the *Law Review* to this mechanism, lacking a future resolution to the contrary.

MEM-3: PERMANENTLY DIGITIZING THE WRITING COMPETITION

PASSED

COMMITTEE VOTE (yes-no-abstain): 7-0-0

ONLINE VOTE: 47-3-0

TEXT: The writing competition shall remain digitized on a permanent basis.

OFFICERS: Vice President/Treasurer

DISCUSSION: Spurred by the COVID-19 pandemic, the *Law Review* shifted the 2020 Writing Competition to an entirely digital format; prior to this, the Writing Competition was a physical paper packet that candidates were required to pick up and return either in person and on campus or via mail. While this change was accelerated given the circumstances, it culminated years of persistent effort to pursue competition digitization. The 2020 Writing Competition was, by all accounts, a success, proving the feasibility of the digital model. Further, digitization better reflects editors' work on *Law Review*, removes the added time and stress associated with boxing, and reduces cost and waste associated with the paper competition. In light of both the considerable advantages of digitization and the *Law Review's* institutional shift towards this model, this Resolution seeks to make permanent the digital competition format. Note that this Resolution does not preclude any adjustments or improvements to the digital format as adopted for the 2020 competition.

MEM-4: UPDATING RESEARCH ON PEER LAW REVIEWS' DIVERSITY AND OUTREACH INITIATIVES

PASSED

COMMITTEE VOTE (yes-no-abstain): 7-0-0

ONLINE VOTE: 42-5-3

TEXT: The Diversity Committee Chairs, in consultation with the President and the Vice Presidents, will conduct research into peer law reviews' current practices related to increasing the diversity of their memberships, including but not limited to the consideration of diversity in editor selection, the effect of competition structure and content on the participation and success of diverse applicants, any editor roles or committees dedicated to diversity, and editor recruitment and outreach initiatives. This research shall be completed by November 2021 and shall be included in the 2021–22 *Report on Diversity and the Law Review's Membership*. Upon the passing of this resolution, the Managing Editor is strongly encouraged to add at least two banked days to the Diversity Committee Chair position (for each Chair, if there is more than one) in order to compensate them fairly for this important work.

OFFICERS: Diversity Committee Chairs, President, Vice President/Treasurer, Vice President/Coordinating & Outreach, Managing Editor

DISCUSSION: In 2012, Vol. 126 passed a resolution to create the Affirmative Action and Diversity Special Committee (AADC). The AADC was tasked in part with researching peer law reviews' approaches to increasing diversity in their membership. The research provided valuable information for the *Law Review's* own work to center diversity in our recruitment and has been included in the annual *Report on Diversity and the Law Review's Membership* ever since. However, this section of the *Report* has not been updated since 2012. The goal of this resolution is to update this research and provide current information to subsequent *Law Review* editors.

MEM-5: DIRECTIVE TO CONSIDER ADDING A MODIFIED A/S-READ TO THE COMPETITION

PASSED

COMMITTEE VOTE (yes-no-abstain): 6-0-1

ONLINE VOTE: 23-21-6 – *sent to live vote*

LIVE VOTE: 28-18-1

TEXT: In the fall 2021 semester, the Vice President/Treasurer in consultation with the Writing Competition Committee shall draft a report evaluating the addition of a modified A/S-Read memorandum to the 2022 competition. This report will include consideration of and recommendations for: how the A/S-Read will be graded, and the effect of the A/S-Read on the grading burden of editors; whether and by how much the addition of an A/S-Read will increase the length of the competition; whether the case comment/subcite should be shortened to accommodate the addition of an A/S-Read; whether the A-Read and subcite may be based on the same article excerpt; how the A/S-Read will be weighted in relation to the case comment and subcite; maximum word limits for the A/S-Read memo; and appropriate tips session materials, instructions, and examples.

The report will be presented to the body in the fall 2021 semester for an all-body vote on whether to include a modified A/S-Read in the 2022 competition. If the body votes in favor of adding an A/S-Read to the 2022 competition, the VP/Treasurer shall present grading, weighting, and format options to the body for a second round of rank-choice voting to determine the details of the new competition structure. If MEM-13 passes, the body may also reconsider the length of the competition to accommodate for an A/S-Read.

OFFICERS: Vice President/Treasurer, Writing Competition Committee

DISCUSSION: Changes to the competition should not be made lightly. However, the addition of a modified A/S-Read memo to the competition has been discussed over the years. The most significant portion of the current competition, the case comment, does not accurately reflect the day-to-day tasks of an editor. Meanwhile, the subcite portion of the competition is at risk of gaming and “brute forcing” by competition takers who are able to spend significantly more time on the subcite than editors are able to spend. Additionally, lower-level subciting skills can be taught to new editors, while higher-level critical thinking is more valuable and more difficult to teach. The addition of an A/S-Read to the competition will test prospective editors’ ability to evaluate arguments, while more closely resembling the day-to-day work of an editor than the case comment.

MEM-6: HOLISTIC REVIEW DATA ANALYSIS

PASSED

COMMITTEE VOTE (yes-no-abstain): 7-0-0

ONLINE VOTE: 41-6-3

TEXT: For the purpose of combating competition-taker selection bias and better targeting diversity recruitment efforts, for future writing competitions, anonymous, deidentified, aggregate data from the holistic review questionnaire will be analyzed by the VP/Treasurer to determine the demographics of those who submit the competition. Additional measures to ensure confidentiality, such as limits on the minimum size of subgroups to be analyzed, will be included at the VP/Treasurer's discretion. This analysis will be made available to the body in the yearly Diversity Memo but will not at any point be linked to competition scores. The VP/Treasurer will also update language on the holistic review questionnaire to clarify how questionnaire data will be used.

OFFICERS: Vice President/Treasurer, Holistic Review Committee

DISCUSSION: Every year, *HLR* distributes an anonymous survey at the end of the competition in order to analyze how to better recruit and select a diverse editorship. The data we collect from this survey is very limited due to poor response rates and does not provide a complete picture of our applicant pool. While conversations in past years have focused on how to increase response rates to this survey, we already collect data that could provide a much fuller picture of who is making it through to the end of the competition: the holistic review questionnaire. Currently, *HLR* does not do any data analysis on the questionnaire due to the concern that competition takers will feel their confidentiality is being violated. However, this concern is misplaced. Data that is aggregated, anonymized, and deidentified poses little risk of reidentification. As is standard practice in the social sciences, we can analyze this data in the aggregate while assuring competition-takers that their individual responses will remain confidential. Doing so would provide *HLR* with valuable information on the demographics of those who make it to the end of the competition in order to increase diversity efforts. This resolution also assigns the VP/Treasurer the task of adding language to the holistic review form to clarify how we use the data, as the form currently contains no language regarding confidentiality of questionnaire responses.

Importantly, this resolution expressly prohibits linking questionnaire answers to competition scores at any point during data analysis. Because the comparison groups are aggregate-level and not tied to individual scores, it will be impossible to correlate particular scores to demographic groups. Instead, this data would allow us to accurately compare competition takers as a whole to the selected body as a whole, and to compare competition takers as a whole to the HLS student body as a whole, in order to better understand whether aggregate-level disparities may be due to selection bias in who takes the competition in the first place.

MEM-7: AMENDED MANDATE FOR THE HOLISTIC REVIEW COMMITTEE

PASSED

COMMITTEE VOTE (yes-no-abstain): 7-0-0

ONLINE VOTE: 36-11-3

TEXT: The below statement shall comprise the mandate of the Holistic Review Committee (HRC) and guide the HRC's selection process:

1. The HRC shall be comprised of the President and two members selected through a full body election.
2. The HRC shall hold as its first priority the inclusion of qualified editors from underrepresented groups, considering factors including but not limited to race, socioeconomic background, gender identity, sexual orientation, and disability, and recognizing the importance of considering candidates' intersectional identities.
3. The Committee shall take into account information provided to it by the Vice President detailing, among other things, statistical information about the candidate pool and accepted editors. The Committee shall also take into account demographic information about the composition of the entire 1L class.
4. In addition, as it has consistently in the past, the Committee shall consider a candidate's grades, as well as case comment and subcite scores.
5. Finally, the Committee shall read the optional statement of every candidate who is being seriously evaluated and consider personal characteristics that are underrepresented in the *Harvard Law Review* and characteristics that would serve the Review's greater goals of promoting diversity.
6. Decisions of the HRC shall be unanimous.
7. The prompt for the optional statement shall begin: "You may use the space below to submit a typed expository statement of no more than 150 words that identifies and describes aspects of your identity not fully captured by the categories on the previous page, including but not limited to racial or ethnic identity, socioeconomic background, disability, gender identity, and/or sexual orientation. Statements will be considered only after grading of the subcite and case comment sections of the competition has been completed. Statements will not be evaluated for quality of writing or editing, nor will they be assigned a numerical score. No applicant will be penalized in any way for not submitting an optional statement, and all optional statements are completely confidential and read only by a small subset of *Law Review* editors."

OFFICERS: President, Holistic Review Committee

DISCUSSION: Past Volumes have repeatedly passed resolutions to codify the mandate of the Holistic Review Committee. This resolution largely reiterates the Mission Statement passed by Volume 133, ensuring that it will presumptively apply to subsequent Volumes unless a new resolution is otherwise passed. Key changes are as follows:

- “Including but not limited to” has been added to clarify that the HRC may consider factors outside those specifically enumerated in Paragraph 2 of the mandate.
- A specific reference to candidates’ grades in LRW has been removed from Paragraph 4, as it is not clear that such grades are necessarily worth emphasizing over and above grades in other courses or other factors under consideration as part of holistic review in general. LRW writing bears little resemblance to the writing done as part of HLR, and even that writing remains entirely optional for editors.
- A sentence has been appended to Paragraph 7 to make clear that candidates’ applications will not be adversely affected by their failure to include an optional Holistic Consideration Statement. The first mention of the statement in Paragraph 7 has also been changed from “personal statement” to “optional statement” for the sake of consistency and avoiding confusion.

CONTINGENCIES: The word count specified for the optional statement will be dependent on passage of “MEM-1: Increasing the Word Limit for Optional Holistic Consideration Statements.”

MEM-8: PUBLIC COMMUNICATION OF HOLISTIC REVIEW PRIORITIES

PASSED

COMMITTEE VOTE (yes-no-abstain): 7-0-0

ONLINE VOTE: 41-4-5

TEXT: The priorities of the holistic review process, which are publicly available on the *Law Review* website, will be directly communicated to applicants. Whenever holistic review or the Holistic Review Committee are referenced in materials that are made available to applicants, including the Tips Packet and the *HLR* website, they should either include the language below or link to this language on the *Law Review*'s website.

The language in the "Membership" section relating to holistic review on the "About" page of harvardlawreview.org shall be edited to read as follows, in an effort to better communicate the priorities of holistic review:

Eighteen editors shall be selected through a holistic but anonymous review that takes into account all available information, including competition score and grades but with a special emphasis on improving the inclusivity and diversity of our membership.

Applicants will have the opportunity to convey aspects of their identity, including but not limited to their racial or ethnic identity, disability status, gender identity, sexual orientation, or socioeconomic status, through the *Law Review*'s holistic consideration process. Applicants also have the option of submitting an additional expository statement. Should they elect to write them, applicants are encouraged to draft their expository statements before the competition week begins. The prompt for the statement is as follows:

"You may use the space below to submit a typed expository statement of no more than 150 words that identifies and describes aspects of your identity not fully captured by the categories on the previous page, including but not limited to racial or ethnic identity, socioeconomic background, disability, gender identity, and/or sexual orientation. Statements will be considered only after grading of the subcite and case comment sections of the competition has been completed. Statements will not be evaluated for quality of writing or editing, nor will they be assigned a numerical score. No applicant will be penalized in any way for not submitting an optional statement, and all optional statements are completely confidential and read only by a small subset of *Law Review* editors."

OFFICERS: Vice President/Treasurer

DISCUSSION: The goal of this resolution is to make the holistic review process more transparent to applicants and convey the *Law Review*'s commitment to increasing the inclusivity and diversity of our membership. To see what the website currently states publicly about the holistic review process, please click [here](#) and scroll down to *Membership*.

In addition to emphasizing the established mandate of the HRC (increasing inclusivity and diversity of the *Law Review*), this edited language encourages applicants to write any optional Holistic Consideration Statements in advance of the competition, in keeping with the goal of increased transparency driving other Membership Committee resolutions.

CONTINGENCIES: The language included in this resolution is contingent on the passage of “MEM-7: Amended Mandate for the Holistic Review Committee.” The word count specified for the optional statement will also be dependent on the passage of “MEM-1: Increasing the Word Limit for Optional Holistic Consideration Statements.”

MEM-9: IMPROVING *HLR* ACCOMMODATIONS PROCEDURES DURING RECRUITMENT

PASSED

COMMITTEE VOTE (yes-no-abstain): 6-0-1

ONLINE VOTE: 44-3-3

TEXT: The President, Vice President/Coordinating & Outreach, and the Disability Affinity Group Chairs will evaluate and revise the procedures for obtaining competition accommodations. In consultation with professionals, the relevant officers will create informational materials to send to prospective applicants about what types of accommodations are commonly available for the competition and the process for receiving them. They also will develop a memorandum to send to admitted students notifying them of possible journal accommodations so that they may make an informed decision about committing to *HLR*.

OFFICERS: President, Vice President/Coordinating & Outreach, Disability Affinity Group Chairs

DISCUSSION: A recent internal *HLR* survey showed that only five percent of our members identified as having a physical, mental, or learning disability. Since an estimated forty percent of HLS students receive accommodations, these survey results reveal that our current membership does not reflect the composition of the HLS student body at large. This resolution seeks to increase access to the write-on competition through improving the transparency of accommodations. Materials guiding students through the process do not presently exist and making such resources available will facilitate recruitment of students with disabilities.

MEM-10: CLARIFICATION CHANGES TO HOLISTIC CONSIDERATION QUESTIONNAIRE

PASSED

COMMITTEE VOTE (yes-no-abstain): 7-0-0

ONLINE VOTE: 43-6-1

TEXT: The following changes will be made to the Holistic Consideration Questionnaire:

- Upon indication of Native American or Alaskan Native heritage in the question on racial/ethnic identity, respondents will be prompted to “Please specify [their] tribal affiliation.”
- Upon indication that a respondent has a disability, they will have the opportunity to specify whether it is a physical, intellectual, or sensory disability or a mental illness (via a check box format, to allow for multiple responses), but not to indicate the specific disability. Providing this additional information will be **optional**.
- The question asking whether respondents are first generation college graduates will be replaced with one asking the highest level of education achieved by each parent, following the current model of the Diversity Committee’s demographic survey of the *HLR* body. Respondents will be asked to list information for parental figures without regard to biological relation, relation by marriage, or adoption. Respondents will be able to choose the number of applicable fields (e.g., one for a single-parent household or three or more for blended families).
- The question about parental education levels will also be moved to appear after the one asking about Pell grant eligibility, such that the only two questions asking about family (as opposed to individual) information will appear together at the end of the questionnaire.
- The question asking whether respondents receive HLS grant aid will be amended to specify that “grant aid does not include loans from HLS-affiliated lenders.”

OFFICERS: Vice President/Treasurer, Holistic Review Committee

DISCUSSION: The Committee received feedback indicating that certain questions on the 2020 Holistic Consideration Questionnaire may lead to confusion among respondents. The above changes seek to clarify any outstanding ambiguities while keeping the Questionnaire from becoming overly burdensome and maintaining a focus on keeping all data anonymous. These changes are designed (1) to provide a more accurate picture of the group completing the writing competition and (2) to communicate what information the *Law Review* is looking for as clearly as possible, closing any potential interpretive gaps left by ambiguity in the questions.

With regard to the Native American / Alaskan Native question in particular: Across the country, admissions departments including those at Stanford, Yale, and Harvard collect information on prospective students’ tribal affiliations, as do such organizations as the Federal Bureau of Indian Affairs, the Gates Millennium Scholars Program and the American Indian College Fund. By adding a line for applicants to list their tribal affiliation underneath the “Alaska Native/Native American” box, *HLR* will conform to this common practice and reaffirm its commitment to promoting diversity of perspectives in its membership.

MEM-11: STANDARDIZING INFORMATIONAL MATERIALS TO LEVEL THE COMPETITION PLAYING FIELD

PASSED

COMMITTEE VOTE (yes-no-abstain): 7-0-0

ONLINE VOTE: 41-4-5

TEXT: The existing competition “Tips Packet” and other application materials will be replaced with one master packet called “*HLR* Application Information.” The Vice President/Treasurer shall be the “point-person” responsible for procedurally creating the packet and other concrete tasks. An anonymous survey will be sent to editors soliciting advice based on personal experiences and advice received for the competition, beyond what was equally accessible. The VP/T, VP/COC, Div Comm Chairs, and WNT Chairs will collectively decide the substantive advice and information to include with a presumption of agreement. The Div Comm / WNT Chairs may freely opt-out based on time-commitment and the ME is encouraged to compensate the Div Comm / WNT Chairs with bank days for this work. This process will occur annually.

This master packet will provide updated instructions, examples, and advice specific to the competition’s digitized format. The packet will also provide standardized advice previously available only through informal networks and student organizations.

This nonexhaustive list of changes should be considered for inclusion:

- Updating the sample competition schedules to reflect the schedules for the digitized competition. At least ten competition schedules should be obtained from Volume 135 editors through randomized invitation with the ability to opt-out. Editors with specialized schedules (e.g., Sabbath observers, accommodations) may anonymously and optionally submit schedules.
- Updating the rough estimate of average subcite errors per page (currently 5-15) for the digitized competition;
- Including the advice that drafting the holistic review statement before the competition is permissible and may save time;
- Adding a short list of the Bluebook sections that will be most useful for the competition.

Furthermore, the master packet will include a link for prospective competition takers to ask anonymous questions about the competition. Appropriate answers will be compiled, standardized, and distributed to all prospective competition takers.

The master packet will also consolidate information about how to receive accommodations and what accommodations are available to *HLR* editors, providing notice that any derivative of the standardized material may be created for applicants with individualized need by *HLR*’s internal consultant during the accommodations process (e.g., sample schedules).

Depending on the breadth of the packet, the relevant decisionmakers (VP/T, VP/COC, Div Comm Chairs, and WNT Chairs) may possibly, in a future year, decide at their discretion whether to implement a policy against editors' disclosure of "tips" to applicants beyond the equally accessible information contained in the packet.

OFFICERS: Vice President/Treasurer, Vice President/Coordinating & Outreach, Div Comm Chairs, WNT Chairs

DISCUSSION: This resolution aims to level the playing field for all *HLR* applicants through updating tips to conform to the digitized competition format and standardizing informal advice. Resources available to all competition takers (e.g., information sessions, "Tips Packet") are helpful but fail to disclose all available information, often obtained through informal networks and student organizations. Therefore, prospective competition takers who obtain additional informal advice from organizations and upperclassmen are given an unfair competitive advantage against students who do not have access to such networks. Consolidating and standardizing advice into one master informational packet will ensure an equal playing field for all competition takers.

Access to information is sharply correlated with socioeconomic inequities, heightened by the current remote format of HLS. *HLR* internal data suggests that *HLR* editors are not representative of the overall HLS student body with respect to certain measures correlating with access to information — *HLR* editors are more likely to have attended traditionally "elite" undergraduate colleges, 57% of editors report at least one parent with a Doctorate or professional degree, and 37% of editors report having two parents with a Doctorate or professional degree.

Additionally, some existing information in the Tips Packet is outdated for the digitized format and can be misleading. For example, existing competition schedules, sample subcite excerpts, and the estimate of 5-15 subcite errors per page were based on the physical competition and do not reflect the digital competition.

Lastly, consolidation and standardization of information about the competition will help competition takers make informed decisions about competition participation, as well as understand what accommodations may be necessary and how to request them.

While there may be concerns that more information can be intimidating and some advice may privilege those with more time and resources (e.g., ability to prepare the holistic review statement ahead of time), we believe that leveling the playing field would be a net-positive. We aim to respect the time of competition takers and enable them to make thoughtful and informed decisions, even if they decide against taking the competition as a result of additional information. However, we believe that greater transparency and standardization will increase competition participation by ensuring that all students have equal access to information and empowering students to feel that they have an equal opportunity to succeed.

MEM-12: CONSIDERATION OF DIVERSITY IN OUTREACH PRIORITIES

PASSED

COMMITTEE VOTE (yes-no-abstain): 7-0-0

ONLINE VOTE: 42-5-3

TEXT: When recruiting new editors, the VP/COC shall seek input from the Diversity Committee Chairs, the Women's, Nonbinary, and Trans Committee Chairs, and the Public Interest Committee Chairs to inform outreach priorities when identifying student organizations to recruit from. Based on these conversations, the COC is strongly recommended to implement 1L fall recruitment specifically for traditionally underrepresented communities.

OFFICERS: Vice President/Coordinating & Outreach, Div Comm Chairs, WNT Chairs, Public Interest Committee Chairs

DISCUSSION: Currently, the Vice President/COC already actively considers input from the Div Comm Chairs, WNT Chairs, and Public Interest Committee Chairs with the goal of recruiting a diverse class of competition-takers. This resolution merely codifies the VP/COC's practice of soliciting input from these groups to inform outreach priorities when identifying student organizations to consider for recruitment based on affiliations such as race, gender, socio-economic status, political ideology, sexual orientation, disability status, section, SPOs, career interest, and others.

Demystifying *HLR* during the 1L fall semester and prior to first semester grades may increase the likelihood that more students, especially those from underrepresented communities, will consider learning about *HLR* and taking the competition. This resolution codifies the already existing recruitment process that targets underrepresented students beginning during the 1L fall semester.

MEM-13: COMPETITION LENGTH AND DURATION

PASSED – As Amended

COMMITTEE VOTE (yes-no-abstain): 6-1-0

LIVE VOTE: 31-12-4

TEXT: The writing competition shall take place over six days, starting on the Sunday after 1L Spring exams, and ending the Saturday of the same week. ~~The length of the subcite portion of the competition will be reduced by 2-3 pages, at the discretion of the Writing Competition Committee.~~

OFFICERS: Vice President/Treasurer, Writing Competition Committee

DISCUSSION: Before the writing competition was digitized, it could not start on a Sunday due to mailing considerations. Now, we have the option of starting the competition a day later to give students a day to regroup after exams. ~~This resolution aims to keep the ratio of work per day approximately the same, reducing the length of the subcite by a range recommended by the current VP/Treasurer.~~

The time-consuming printing and boxing portion of the writing competition has been eliminated by the digitization of the writing competition, granting digital competition-takers additional time to work on their case comments and subcites. This resolution aims to provide competition takers one extra day to recover after final exams, without increasing the overall intensity of the writing competition.

~~Delaying the competition by a day and reducing the length of the subcite would have multiple benefits. First, an off day between exams and the competition would put on more equal footing those who feel exhausted after exams and those who won't. Second, allowing for a break would reduce the role that sheer stamina plays in succeeding at the competition. Third, introducing a break could incentivize more students to take the competition. Fourth, introducing a break would make the competition more humane, generally. Fifth, reducing the length of the subcite would reduce the amount of grading work for editors. Finally, elimination of the time-consuming printing and boxing portion of the physical competition also supports making the competition six days.~~

MEM-14: CHANGING THE ROLE OF GRADES IN THE WRITING COMPETITION

FAILED – As Amended

COMMITTEE VOTE (yes-no-abstain): 4-2-1

LIVE VOTE: 14-29-5

TEXT: For the 2021 Writing Competition only, in editor selection, there will no longer be ten total spots (currently, one for each section and three without respect to section) that equally consider weights of grades and competition scores, commonly known as "grade-on" spots. Instead, those candidates/spots will have their grades considered holistically as a part of the holistic review process, which considers grades, competition scores, and holistic review information. This increases the holistic review spots from 18 to 28. Absent another resolution regarding editor selection break-down during the 2022 Transition, the editor selection break-down will revert to the 2020 scheme: 10 grade-on, 20 write-on, 18 holistic review.

OFFICERS: President, Vice President/Treasurer, Holistic Review Committee

DISCUSSION: The Membership Committee believes that concerns about grades, explained below, are exacerbated by the conditions of the pandemic. 1Ls have been undergoing the greueling first year of law school in disparate circumstances; some have subpar internet access, some have additional caretaking responsibilities on top of school, and others have to do more domestic labor and work to support their families during these economically difficult times and are taking classes at midnight or later due to time zone problems. Now more than ever, without the quasi-equalizing benefits of going to class in person in WCC, library and internet access, and all being the same time zone, grades do not perform the proxy function that we expect them to in other years.

The issue of using grades in editor selection has come up for many Volumes. Currently, there are ten grade-on spots for editor selection: seven editors (one from each section) are selected based on an equally weighted consideration of their grades and competition scores, and three additional editors, irrespective of section, are selected based on the same formula. Twenty spots are based on competition scores only, and the remaining eighteen are selected through the Holistic Review Committee, which considers grades, competition scores, and information from the holistic review questionnaire and option statement, if submitted. By custom (and proposed as a resolution this Transition as MEM-2), there is a rebuttable presumption for rejecting a candidate if their grades and competition scores fall below the median of the candidate pool.

The question of whether grades are a good proxy for editor qualities is complicated, as no proxy, even the writing competition, will ever be perfect. However, grades are often a source of anxiety and hesitation for potential candidates when considering taking the writing competition, fearing that all the work they spend on the Competition won't matter because of their grades. Additionally, lower grades are not an indicator of lower legal comprehension skills; as 2Ls and 3Ls tell 1Ls every year, the curve can be very arbitrary, and the likelihood that 1Ls will be assigned professors that even give LPs or are stingy with Hs is completely out of any student's control.

With these considerations in mind and to offset the drawbacks of grade consideration, the Membership Committee proposes eliminating the grade-on spots. Picking the top students from each section (plus three extra), even while also considering competition scores, is very much a relic of the past, when the *Law Review* consisted of the “A-Men” of each HLS class. The potential arbitrariness of grades is compounded when grades become the basis of selecting one editor per section; a minimal difference between that top student and the next few students in line is unlikely to signify any marginal increase in the quality of editor that said top student would be. Moreover, since none of us will ever know how we got onto *HLR*, the likelihood that any perception that any one editor was that top student would have an impact when it comes to prestige or employment opportunities is negligible.

In the past, some (including Dean Manning) have raised the concern that eliminating grades entirely from *HLR*'s selection process would cost us institutional credibility and prestige. There is some question as to whether the grades of HLR editors are still a significant factor in determining the credibility or prestige of the Law Review, particularly in this age of the LP/P/H/DS scale, which significantly flattens the actual differences between any two students' performance on exams. But critically, under this resolution, grades will still factor into the holistic review process, which comprises half of the editors selected, and thus grades will still be a basis for selecting editors. The major difference is that they will be considered holistically with other factors as opposed to formulaically. An additional advantage to this resolution is increasing the spots for editors through holistic review, which supports the *Law Review*'s goals of increasing diversity and inclusivity in its membership.

Twenty editors will still be selected from competition scores only. This will continue to provide an avenue onto *Law Review* for students whose lower grades may dissuade them from participating in the Competition.