

Harvard Law Review

**Volume 139: Transition Report**  
**2025-2026**

# Note from the Chairs

Thank you all for a successful Transition! When we first learned that we were Transition Chairs, we were excited yet apprehensive; spearheading such a large process was a daunting task. But as we progressed, it became clear how much of a team effort Transition was. Committee Chairs led the charge in reflecting on how to improve each of HLR's silos; V.138 members generously volunteered their time, sharing the type of wisdom and experience that comes with a year of leadership; and meeting after meeting, individual members of V.139 stepped up to offer critical feedback and draft thoughtful, creative, and impactful resolution language. In the end, our role as Transition Chairs was more about highlighting all of your hard work.

And that work paid off. Across our eight committees, you put forward eighty resolutions, sixty-four(!!!) of which we passed. It's an ambitious set of initiatives, and implementation may not always come easily. In a few weekends, we will begin our elections process to determine our new slate of V.139 officers, each of whom will be charged with a variety of those reforms. But while specific offices may be tied to specific resolutions, it's on us as a collective Volume to see this change through. In this year's Transition, our volume voted to:

- Be a leader in crafting [new professional standards](#) for law journals
- Welcome V.140 with open arms and lots of support through [geography based in-person meet-ups](#), an [orientation committee](#), and a [July/August pool work mentor](#)
- Pilot a [pod system](#) for editing
- [Formalize our standards](#) for editor accountability
- Take steps towards [compensating](#) our editors for their work through course credit
- Address the [use of AI](#) in the Writing Competition
- Establish an [external email listserv and newsletter](#) to enhance our online presence
- Formalize a [notice and comment period](#) for solicited content
- Ensure the quality and longevity of student writing opportunities by [keeping them to manageable levels](#)
- [Rethink Transition itself](#)

Perhaps most inspiring was the spirited debate we had over the course of live Transition. Despite editors' disagreements over the direction of the Review, the conversation never turned bitter. Not once. Over ~10 hours split across two days, we earnestly debated reforms to a body of which we have only been members of for about six months, thoughtfully running through countless pros and cons. The result is a swath of changes that will change the Review for the better. If our next year can mirror the spirit of camaraderie and personal investment that each of you displayed in the Sunny-D-filled walls of WCC 2009, then we cannot wait to get to work.

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# Executive Summary

Resolutions offered: 80

Resolutions passed at online voting: 53

Resolutions failed at online voting: 3

Resolutions offered at live voting: 24

Resolutions passed at live voting: 11

Resolutions failed at live voting: 13

**Total resolutions passed: 64**

**Total resolutions failed: 16**

## Key:

*	Transition Chairs exercised discretion to bring to a live vote.
**	Employed ranked choice voting; percentages were calculated using the final round percentages (i.e., where 2 choices remained). For more precise voting patterns, please see the applicable question below and click the “results” link.
***	Passed as amended. Please see the applicable question below for details on final text.
****	Question featured checkboxes with different options. Please see the applicable question below for further details.

Committee	Resolution Title	Online Vote	Live Voting?	Live Vote	Pass?
Transitions	Voting threshold during live transition	98.1%	No	–	Yes
Transitions	Upper Volume editors required to attend first committee meetings	92.5%	No	–	Yes
Transitions	Upper Volume resolution proposals	71.7%	No	–	Yes
Transitions	Effect of resolutions	79.2%	No	–	Yes
Transitions	Meta Transition Resolution	88.7%	No	–	Yes
Transitions	Volume 139 Total Page & External-Student Author Ratio Targets	79.2%	No	–	Yes
Articles	Prohibiting the Use of AI in Rotopool	98.1%	No	–	Yes
Articles	Removal of the ABC Chair & Articles Co-Chairs from the Pool in Early February	96.2%	No	–	Yes
Articles	Adding Additional Rotopool Step to Check Quality of Support	64.2%	Yes	64.2%	Yes
Articles	Adding Additional Rotopool Step to Check Quality of Bluebooking	35.8%	Yes	5.7%	No

Articles	Announcing Subject Matter of Already-Selected Articles at O-Reads	94.3%	No	–	Yes
Articles	Tweaking Submission Portal Language to Drop Preference for Exclusivity Line	84.9%	No	–	Yes
Articles	Including Website Guidance for Authors About Quality of Support	86.8%	No	–	Yes
Articles	Creation of New “Professional Standards for Law Journals”	60.4%	Yes	67.9%	Yes
Articles	Affirming Our Commitment to Diverse Content & Authorship	81.1%	No	–	Yes
Articles	Publishing Corporate and Business Law Scholarship	69.8%	No	–	Yes
Articles	Improving Institutional Memory of Faculty Reviewers	100.0%	No	–	Yes
Articles	Empirical Expert Repository and Involvement	88.7%	No	–	Yes
Community	Organizing geography-based in-person meet-ups during summer onboarding and more informal Gannett House events earlier in the semester.	88.7%	No	–	Yes
Community	Creation of an orientation committee	69.8%	No	–	Yes
Community	Creation of a July/August Pool-Work Mentor	73.6%	No	–	Yes
Community	Presumption about feedback/tone	90.6%	No	–	Yes
Community	Prioritization of social events to foster community	83.0%	No	–	Yes
Community	Formation of a community committee	73.6%	No	–	Yes
Community	Regular Pool Work Meetups	88.7%	No	–	Yes
Community	Fully Transition Whitebook and Brownbook To HelpDocs	56.6%	Yes	32.1%	No
Editing & Bluebook	Bluebook, Automation, and AI Transparency	75.5%	No	–	Yes
Editing & Bluebook	Eliminating Internal Inconsistencies and Forming a Bluebook Addendum	67.9%	No	–	Yes
Editing & Bluebook	Long-Term Bluebook Priorities	88.7%	No	–	Yes
Editing & Bluebook	Reducing Galleys & Pages Workload and Clarifying Editor Expectations	62.3%	Yes	86.8%	Yes
Editing & Bluebook	Encouraging Authors to Find Their Own Support	92.5%	No	–	Yes
Editing & Bluebook	Poolworker Feedback: Upload Of Compiled Poolworker Comments	96.2%	No	–	Yes

Editing & Bluebook	Poolworker Feedback: In-Depth Feedback Session	50.9%	Yes	5.7%	No
Editing & Bluebook	Return to the Traditional EE-Read System	75.5%	No	–	Yes
Editing & Bluebook	Redistribution of EE and SE Responsibilities (Joint with Governance)	28.3%	No	–	No
Editing & Bluebook	Pod System Pilot (Joint with Governance)***	58.5%	Yes	64.8%	Yes
Governance	Creating a transparent system for editor accountability***	64.2%	Yes	77.4%	Yes
Governance	Commitment from presidential candidates	52.8%	Yes	76.9%	Yes
Governance	Offering editors course credit for HLR work	83.0%	No	–	Yes
Governance	In-person voting for Online Co-Chairs	75.5%	No	–	Yes
Governance	Reenvisioning the SOC's role and designating a Notes Editor as a Fellowship Notes Editor****	69.8%	No	69.8%	Yes
Governance	Adding an EE**	–	Yes	60.4%	Yes
Membership	Addressing Use of AI in the Writing Competition	86.8%	No	–	Yes
Membership	Additional Emphasis on AI Use During Writing Competition	96.2%	No	–	Yes
Membership	AI Case Comment Randomized Control Trial	75.5%	No	–	Yes
Membership	Write-On Fair Competition Report	84.9%	No	–	Yes
Membership	Increasing the Number of Editors That Join the Lower Volume by 1/2/3/4**	66.0%	Yes	46.3%	No
Membership	Rewarding Proper Structure on Write-On Subcite	98.1%	No	–	Yes
Membership	Rejection of Candidates with Low Writing Competition Scores	47.2%	Yes	15.1%	No
Membership	Increasing the size of the Holistic Review Committee by 2/4**	35.8%	Yes	16.7%	No
Membership	Altering Presidential control over Holistic Review Committee nominations	32.1%	No	–	No
Membership	Prohibiting Transfer Students from Taking the Writing Competition as 2Ls	24.5%	No	–	No
Membership	Encouraging Transfers Not to Write-On as Rising 2Ls	81.1%	No	–	Yes

Membership	Reaffirming the Parameters of Holistic Review	62.3%	Yes	38.9%	No
Online	Clarifying the function of the Forum and Blog	90.6%	No	–	Yes
Online	Updating Whitebook guidance for online editing	94.3%	No	–	Yes
Online	Encouraging more student writing on the Blog and editor input in the online publication cycle	84.9%	No	–	Yes
Online	Eliminating pool credit for online student writing	62.3%	Yes	75.0%	Yes
Online	Engaging HLR's social media channels	75.5%	No	–	Yes
Online	Restoring list of editors to HLR's website	88.7%	No	–	Yes
Online	Establishing an external email listserv and newsletter	86.8%	No	–	Yes
Solicited Content	Notice and comment period for solicited content	88.7%	No	–	Yes
Solicited Content	The Addition of a Supreme Court Super-E	88.7%	No	–	Yes
Solicited Content	Eliminating the Presumption Against Big Five Statements During Foreword Selection	90.6%	No	–	Yes
Solicited Content	Removing Unelected Lower Volume Members from the Foreword Selection Committee	50.9%	Yes	32.1%	No
Solicited Content	Transparency in Lower Volume Perspectives Prior to Foreword Selection	67.9%	No	–	Yes
Solicited Content	Changes to the Foreword Literature Review Timeline	83.0%	No	–	Yes
Solicited Content	Increased Editorial Standards for Solicited Content	79.2%	No	–	Yes
Solicited Content	ABC Chair Guidance on Standards for Book Reviews, Commentaries, and Tributes	67.9%	No	–	Yes
Solicited Content	Student Writing Collaboration	35.8%	Yes	17.3%	No
Solicited Content	Addition of the ABC Chair and Articles Co-Chairs to the Foreword Selection Committee***	54.7%	Yes	69.2%	Yes
Student Writing	Dissolution Procedure A	81.1%	No	–	Yes

Student Writing	Dissolution Procedure B	56.6%	Yes	11.3%	No
Student Writing	AI Guidelines for Students Writing A – Impermissible Uses of Generative AI Technology	83.0%	No	–	Yes
Student Writing	AI Guidelines for Student Writing B – Permissible Uses of Generative AI Technology	88.7%	No	–	Yes
Student Writing	Move RTs to the Blog	60.4%	Yes	32.7%	No
Student Writing	Limit Student Writing Opportunities to Two***	77.4%	Yes*	86.8%	Yes
Student Writing	Eliminate 4L Notes****	52.8%	Yes	88.9%	Yes
Student Writing	De-Anonymization****	39.6%	Yes	37.0%	No
Student Writing	De-Anonymization Working Group	50.9%	Yes	38.5%	No

# General Transition Resolutions

Transition Chairs: Abigail Simon and Ben Rutan

## GT.01: Voting threshold during live transition

**ONLINE VOTE**: 52-1 [**Passed**]

**TEXT**: Per HLR Transition tradition, the live voting threshold for Vol. 139 Transition shall be a simple majority to pass resolutions. In the event that a resolution falls on a 50/50 split, the Chairs will accept a motion for 5 minutes of additional discussion before an additional vote is conducted. In the event that the additional vote is tied for a second time, the resolution shall fail.

**OFFICERS**: Transition Chairs

**DISCUSSION**: This transition resolution is nearly verbatim pulled from years prior. However, one substantive change is that, if a resolution ties on the 2nd vote, it dies. In years past, they have opted for a coin flip in such situations, but given that that is a substantive change, requiring some majority is desirable, as opposed leaving things to chance.

## GT.02: Upper Volume editors required to attend first committee meetings

**ONLINE VOTE**: 49-3 [**Passed**]

**TEXT**: For Vol. 140 Transition and all subsequent transitions, the following member of the upper volume shall join the following lower volume committee for the first committee meeting but may be dismissed at the discretion of the chairs. For offices listed below that have two occupants (e.g., notes chair) or multiple officer options, the officers shall decide amongst themselves who will serve as the representative. The upper volume member shall operate not merely in their personal capacity, but shall commit to sharing the perspectives of others on their volume, even those with whom they may personally disagree. These committees may, at the discretion of the chair, seek additional rotating attendance from upper volume members and solicit additional meetings with other upper volume members to gather additional perspectives.

- Student Writing: One Notes Chair
- Editing & Bluebook: One EE or MEO or MEP or Bluebook Chair
- Governance: President or MEO or Strategy & Oversight Chair
- Community: Vice President/Coordination, Diversity & Outreach
- Articles Submission & Selection: One Articles Chair or ABC Chair
- Solicited Content: One SCOTUS Chair
- Online: One Online Chair
- Membership: Vice President/Treasurer

## **OFFICERS:** SOC

**DISCUSSION:** Last year, the Transition Chairs proposed a resolution requiring a single member of the upper volume to attend all lower volume committee meetings in a purely advisory, non-voting capacity (who may rotate and could be dismissed by the lower volume committee chair at any point). This resolution looks to codify upper volume responsibility to attend the first meeting and specifies the useful positions for each committee. This resolution should pass if people were generally happy with the system we had this year, in which relevant upper body members attended the first Transition meeting to share input/wisdom.

## GT.03: Upper Volume resolution proposals

**ONLINE VOTE:** 38-15 [**Passed**]

**TEXT:** For Vol. 140 Transition and all subsequent transitions, the upper volume members listed below shall propose exactly three resolutions to be submitted to the Transition Chairs before the survey deadline. These resolutions should be fleshed out resolutions relating to priority issues, as the upper volume sees them, for each committee. These resolutions will be added to the survey for additional upper and lower volume commentary along with the rest of the questions. During J-Term, each committee will assess the resolutions along with other proposals and determine whether to amend them and ultimately, whether to send them to the discussion board as draft resolutions. If there is conflict about the merits of the draft resolution, the committee chair will conduct a majority vote on whether such resolutions should pass out of committee or die in committee. Once posted on the discussion board, the upper volume resolutions shall progress through Transition in the same stages as all the others. The upper volume members responsible for taking the lead on drafting the resolutions for each respective committee are as follows.

- Student Writing: Notes Chairs, Big Five
- Editing & Bluebook: EEs, Supervising Chair, Big Five, Bluebook Chairs
- Governance: President, Managing Editor of Operations, Strategy & Oversight Chair
- Community: Vice President/Coordination, Diversity & Outreach; Strategy & Oversight Chair
- Articles Submission & Selection: Articles Chairs; Articles, Book Reviews & Commentaries Chair
- Solicited Content: Supreme Court Chairs; Online Chairs; Articles, Book Reviews & Commentaries Chair
- Online: Online Chairs
- Membership: Vice President/Treasurer

**OFFICERS:** Listed above.

**DISCUSSION:** Both the Transition Chairs and Governance Committees have been discussing ways to better utilize upper volume institutional knowledge and perspectives shaped by a year of experience in respective roles. This resolution is based on the premise that upper volume chairs are a fount of wisdom and knowledge and that Transition would be smoother and more effective with more concrete/specific upper volume involvement for priority resolutions. This resolution still ensures the upper-volume-resolutions receive upper/lower volume input, are subject to lower volume amendment, and ultimately, must be voted on by the lower volume just the same as every other resolution at online voting or live transition in order to pass. This resolution should pass if the body believes committees would have benefitted from receiving three resolutions from the upper body (ideally fleshed out resolutions relating to priority issues) that committee members could work off of, amend, or reject before draft resolutions are due to the discussion board.

## GT.04: Effect of resolutions

**ONLINE VOTE:** 42-11 [**Passed**]

**TEXT:** The Resolutions passed at live voting must be implemented as enacted by the officers charged with their implementation. However, if, after a good faith, reasonable effort to implement the resolutions, experience informs these officers that a particular resolution is either infeasible or unwise, such officers may exercise their discretion in not following through with it. If that occurs, officers must explain in writing to the President and the SOC why they have decided not to move forward with the resolution. If this officer is the President, they will report to the SOC; if this officer is the SOC, they will report to the President.

**HISTORY:** Last year, the Transition Chairs proposed a resolution that the Transition Resolutions should be “normatively binding,” and this passed online with an 83% majority. Per our review of previous years’ discussion boards, there have not been other Transition resolutions making the rest of the resolutions binding, and we have heard that in years past, Transition resolutions have been advisory and not binding.

**DISCUSSION:** This resolution would make resolutions into strong and, in most circumstances, binding recommendations on officers charged with their implementation. This provides the resolutions we deliberate and approve of to lead to impactful change while still allowing officers the flexibility to not implement them if they quickly find out they are not possible or against the best interests of the journal. Last year, the transition chairs made the resolutions “normatively binding.” This language is stronger than our proposed language. In our view, this was a tad ambiguous—does this mean that officers charged with their implementation had to follow through with them, or was it just a stronger version of a recommendation? Either way, we are attempting to clarify the language this year. Officers must implement Transition resolutions or explain to accountable parties why they cannot implement the Transition resolution as enacted.

## GT.05: Meta Transition Resolution

**ONLINE VOTE:** 47-6 [**Passed**]

**TEXT:** A “Transition Committee” led by the Strategy & Oversight Chair and composed of the Vol. 139 Transition Chairs and Transition Committee Chairs will holistically reassess Transition. This committee will consult with members of the upper and lower volume about Transition through online survey(s), request for comment, and optional meeting(s) where editors can discuss potential changes or alternatives to the transition process. The Strategy & Oversight Chair will subsequently draft a memorandum for the entire body with findings and recommendations about how to improve Transition, due by the end of September 2025. In October 2025, the body (now including Vol. 140) will conduct an online vote on the recommendations with a 2/3 vote approval threshold.

**OFFICERS:** Transition Committee (Strategy & Oversight Chair, Transition Chairs, and Transition Committee Chairs)

**HISTORY:** This resolution is inspired by an old resolution (titled “Reconsider Transition,” proposed in 2023) and the fact that many prior volumes have proposed resolutions to improve or modify Transition that either haven’t passed or haven’t been ambitious enough to propose major structural changes.

**DISCUSSION:** HLR Transition is a longstanding tradition. It is a crucial and important process, but also, as lower volumes every year have recognized, it is an imperfect one. Many one-off resolutions have been proposed throughout the years to change aspects of Transition. But at the time these resolutions are proposed, inherently, the lower volume hasn’t actually gone through and finished transition yet. It can feel like building the plane as we fly it. And it is hard to dream up massive overhauls to Transition during the busy course of Transition (especially considering it is not necessarily the best use of time for the body to be discussing Transition at a meta-level when there are important, concrete, substantive resolutions to discuss). But Transition is important enough that it is worth spending institutional time on how it can be structurally improved so that lower volumes don’t continue to encounter the same problems every year. Since changing Transition itself would be a big change that would 1) revise a longstanding historical tradition and 2) modify the rules governing how the organization’s rules themselves are modified, it is akin to a constitutional amendment, and thus should require a 2/3 vote from the membership. It should take place next year when members of Vol. 140 have joined the journal (which also gives the Transition Committee adequate time to develop these recommendations).

As the past resolution put it (with some edits): “The transition process has four significant advantages. First, because lower-volume editors will be inheriting the officer positions whose duties they are modifying, and because they will remain as members of HLR for another three semesters, they have a significant investment in the transition process and the resolutions that are adopted. Second, for the same reason, transition ensures that editors are granted a significant form of

self-determination, to determine the rules under which they operate instead of merely passing rules onto the next set of editors. Third, transition has some pedagogical benefits by forcing editors to quickly learn about a subject and make decisions about it as a judge or legislator might. Fourth, transition might provide some additional opportunity for editors to engage with each other before elections.

Despite these benefits, transition also comes with many costs. Many editors expend a significant amount of time in the transition process. Lower-volume editors are making binding decisions about roles they have not experienced themselves, and thus may not be as good decision makers as might be the upper-volume editors who are nearing the end of their tenure. In part as a result of this last issue, as well as because of the general disconnect between the lower-volume transition-resolution legislators and the officers who implement them, many resolutions are often ignored or only minimally executed by the officers assigned to them.

Thus, it is not clear that transition—especially as it is currently organized—is preferable to its alternatives. For example, existing officers could provide memos to their incoming officers on what they think should be done differently, and those officers could be given discretion to implement those changes. Transition itself could be shortened significantly to still allow a space for lower-volume editors to pass resolutions, but only on the most important topics that people feel the whole body needs to decide together. Upper volume could lead transition or have a greater involvement. A platform that is less than 17 years old might be worth migrating to over the current discussion board. Transition could happen at a different time/on a different timeline (like in June, mid-way through a volume's leadership tenure, or it could start earlier to give the lower volume more time to learn about the journal and develop recommendations.

These, and many others, are possibilities that the Transition Committee should consider.”

## GT.06: Volume 139 Total Page & External-Student Author Ratio Targets

**ONLINE VOTE:** 42-11 [**Passed**]

**TRANSITION CHAIRS NOTE: This was a Joint Resolution (Between Online, Articles, Student Writing, Solicited Content)**

**TEXT:** As Volume 139, we commit to working toward limiting our total page length (print and Forum) to 2,600 pages. The approximate target breakdown of page count for each issue is as follows: 450 pages in the Supreme Court issue, and 300 pages in each of the seven other issues of Volume 139.

For all issues except the Supreme Court issue, we commit to a presumptive ratio of at least 60% external author content to at most 40% student author content. The Volume authorizes the Big 5, in

coordination with the ABC, Notes, SCOTUS, and Online Chairs, to take actions in order to achieve this resolution's objectives.

This is presumptive guidance. Discretion rests within the implementing chairs and officers to negotiate between themselves to try and reach these goals.

**OFFICERS:** Big 5; ABC Chair; Notes Chairs; SCOTUS Chairs; Online Chairs; All members of the body.

**DISCUSSION:** To quote a January 2025 Memorandum from the V138 MEP, "The Review's most valuable — and scarcest — resource is editor time. This sets an upper bound on how much content we can publish, at least without softening our editorial standards. After all, each piece requires officer time on the front end to provide substantive feedback, Poolworker time to edit, and officer time again on the back end to proofread and format for publication." This sentiment served as one of the guiding principles underlying this resolution.

Transition survey results support reducing the student writing in our pages. Vol. 138 aimed to keep student writing to under 50% of the volume, and we hope to bring the share of student writing closer to its historical range around 35%. Vol. 138 also provided informative feedback regarding the desirability of establishing guidelines for the type of content published in print and online formats, the ratio of external author to student work, and the mission of the Forum.

This resolution was authored with the understanding that, when the number of student Notes exceeds the number that can be published in print, the Notes Chairs of Vol. 138 had (and exercised) discretion to move student Notes to online formats as appropriate. This strategy remains available to future volumes for the purpose of striving toward the 65:35 external author to student writing ratio.

The Joint Committee declined to set specific standards for the type of work appearing in print in the Forum, opting to leave the content strategy of the Forum to the relevant Chairs. This will allow the relevant Officers, if applicable, to use the Forum as a discretionary avenue to publish student writing outside of the traditional print channels.

This resolution was drafted with the understanding that the target ratio of student writing to outside author pieces will depend heavily on the passage of other Vol. 139 resolutions limiting student writing (e.g., moving RTs to the Blog).

The Supreme Court (November) Issue exception: Based on recent years, we anticipate that the Foreword will be approximately 100 pages, but historically the Foreword has been as long as 150 or more pages. The Supreme Court Chairs retain authority to create a page presumption at their discretion (our understanding is Foreword authors currently have full discretion over page length). The presumptive ratio for external to student authorship would not apply to the Supreme Court

issue. (But this does not preclude the Supreme Court issue from deliberately or unintentionally adopting this ratio.)

# Articles Committee Resolutions

## Articles Submission & Selection

Jasper Johnston (chair)

George Hu

Hannah Frater

Ilai Gavish

Lydia McVeigh

Omar Tariq

Alyn Wallace

## Art.01: Prohibiting the Use of AI in Rotopool

**ONLINE VOTE:** 52-1 [**Passed**]

**TEXT:** ‘The use of generative AI is not permitted to analyze or summarize Articles for the purpose of Rotopool memos or any other part of the Articles selection process.’ No editor may upload the author’s piece to AI software.’ These instructions will be added to the Whitebook section on Rotopooling.

**OFFICERS:** All members of the body; MEO (or other Big 5 member responsible for the Whitebook.

**DISCUSSION:** This resolution is meant to formalize an existing rule. HLR does not possess intellectual property rights to an article before a formal agreement is made with the author after O-Read. As such, uploading any part of the article to an AI program, which may then incorporate the article into its training data, may be an improper use of the author’s IP and could contradict the author’s expectations regarding our use of their submitted article. An additional rationale is quality: A good Rotopool must engage deeply with the piece. Relying on AI to summarize the piece reflects a shallow interaction with the article that is not conducive to strong analysis. During the commenting period, points were raised about adding an exception for using AI for preliminary research purposes. This could perhaps be added as an amendment to the draft resolution.

Update: Based on editor comments, the Articles Committee has adjusted the rule to permit the use of AI for background research purposes.

## Art.02: Removal of the ABC Chair & Articles Co-Chairs from the Pool in Early February

**ONLINE VOTE:** 51-2 [**Passed**]

**TEXT:** The MEO will remove the ABC Chair and Articles Co-Chairs from the pool as soon as they are elected. They will remain out of the pool for at least two weeks and will be returned at the discretion of the MEO and the Governance Committee once articles submission season has subsided.

**OFFICERS:** MEO

**DISCUSSION:** The Articles team's workload is extremely heavy during the two traditional articles submission seasons, the first of which kicks off in February. The ABC Chair and Articles Co-Chairs must hit the ground running, learning their new roles and immediately starting to screen articles during the busiest time of the year. During that time, the ABC Chair and Articles Co-Chairs must review hundreds of submissions and move the most promising ones through to Rotopool, M-read, C-read, Lit Reviews, Faculty Reviews, and ultimately O-Read. A significant concern of the body this year has been our ability to review articles quickly enough to avoid losing high-quality pieces to other journals. Ultimately, that capability depends on the capacity of our Articles team. Keeping these editors in the pool puts significant strain on them and on our ability to secure the top articles of the season. The ABC Chair and Articles Co-Chairs already have few (or no) pool days in February and March, but this resolution ensures that these editors can hit the ground running without significantly impacting the availability of pool workers.

*Update:* The text stays consistent with the draft, as all editor comments suggested support for codifying this practice as this is already being done.

### Art.03: Adding Additional Rotopool Step to Check Quality of Support

**ONLINE VOTE:** 34-19 [**Went to Live Vote**]

**LIVE VOTE:** 34-19 [**Passed**]

**TEXT:** The following instruction will be added to the Whitebook for Rotopools: 'Editors are required to review in detail the footnotes on three representative pages from the beginning, middle, and end of the article and add an assessment of the quality of the support to their rubric.'

**OFFICERS:** MEO (or other Big 5 responsible for the Whitebook)

**DISCUSSION:** Consideration of the quality of Bluebooking and substantive support of articles is not the primary basis on which we select our articles but plays an important role in reducing the editing burden on our members. We believe adding an explicit instruction / step in the Rotopooling process (and template rubric) whereby editors conduct a consistent "spot check" of footnote quality and comment on it could help us to have a better understanding of these aspects of the articles as compared to the current instructions that are vaguer about what editors should look for in terms of

footnotes. Our Transition Survey also showed that a plurality of editors review the Rotopool Memo prior to the O-Read and this added information can help to inform the discussion.

Based on editor comments, the Articles Committee has adjusted the rule such that specific pages to check are not prescribed (enabling flexibility) and has bifurcated this rule so that editors can vote separately to adopt this for “quality of support” and/or “quality of Bluebooking.” This resolution applies to quality of support.

## Art.04: Adding Additional Rotopool Step to Check Quality of Bluebooking

**ONLINE VOTE:** 19-34 [**Went to Live Vote**]

**LIVE VOTE:** 50-3 [**Failed**]

**TEXT:** The following instruction will be added to the Whitebook for Rotopools: ‘Editors are required to review in detail the footnotes on three representative pages from the beginning, middle, and end of the article and add an assessment of the quality of the Bluebooking to their rubric.

**OFFICERS:** MEO (or other Big 5 responsible for the Whitebook)

**DISCUSSION:** Consideration of the quality of Bluebooking and substantive support of articles is not the primary basis on which we select our articles but plays an important role in reducing the editing burden on our members. We believe adding an explicit instruction / step in the Rotopooling process (and template rubric) whereby editors conduct a consistent “spot check” of footnote quality and comment on it could help us to have a better understanding of these aspects of the articles as compared to the current instructions that are vaguer about what editors should look for in terms of footnotes. Our Transition Survey also showed that a plurality of editors review the Rotopool Memo prior to the O-Read and this added information can help to inform the discussion.

*Update:* Based on editor comments, the Articles Committee has adjusted the rule such that specific pages to check are not prescribed (enabling flexibility) and has bifurcated this rule so that editors can vote separately to adopt this for “quality of support” and/or “quality of Bluebooking.” This resolution applies to quality of Bluebooking.

## Art.05: Announcing Subject Matter of Already-Selected Articles at O-Reads

**ONLINE VOTE:** 50-3 [**Passed**]

**TEXT:** The ABC Chair and/or Articles Co-Chairs will open each O-Read by announcing or writing on the board the topics of the Articles already accepted up to that point.

**OFFICERS:** ABC Chair and/or Articles Co-Chairs

**DISCUSSION:** HLR strives to publish a diverse slate of legal scholarship. While editors may have a general idea of the subject matter HLR commonly accepts, they may not know or remember the subject matter makeup of the upcoming issue when it comes time to deliberate on a new piece. The subjects of accepted articles are written on the whiteboard of the Articles Committee room. Similarly, we believe it would be helpful as the body deliberates during O-Reads to have a convenient reference point. Doing so could highlight gaps in the upcoming issue and, perhaps, contribute to minimizing duplication in subject matter accepted.

*Update:* The text remains consistent with the draft, as all comments from editors suggested support for this resolution.

## Art.06: Tweaking Submission Portal Language to Drop Preference for Exclusivity Line

**ONLINE VOTE:** 45-8 [**Passed**]

**TEXT:** Drop the line about preference for exclusivity from the submission portal but retain the fact that we take longer than other journals (we take two weeks!) as an alert to authors.

**OFFICERS:** Articles and ABC chairs

**DISCUSSION:** Currently, on our website we advise authors that “Preference for Exclusivity

We recommend that you consider submitting your manuscript to us exclusively. Our review process is lengthy; we conduct faculty reviews and a vote of our entire editorial board before we accept pieces. As a result, we are often unable to make quick decisions when faced with exploding offers from other journals. If your preference is to publish in the Review, consider submitting the manuscript to us exclusively at least two weeks before submitting it to other journals. “Authors who choose to submit exclusively should indicate in our electronic submission system the date they expect to send the manuscript to other journals. We apply the same standards of review to all submissions, but submitting exclusively makes it more likely that we will have time to put the manuscript through all the stages of our review process.”

Given that we are trying to encourage other journals to stop the practice of exploding offers, the Articles Committee believes that it may present the wrong image if we continue to use language about a preference for exclusivity on our part.

Therefore, we have proposed an amendment to alter the language on the website to eliminate any mention of exclusivity and simply provide guidance for the fact that we take longer than other journals, and so if an author wants to be able to evaluate offers between HLR and other journals at around the same time, they should submit to HLR about two weeks earlier than other journals.

*Update:* The text remains consistent with the draft, as comments from editors suggested a mix of support and hesitation for this adopting resolution, with no clear suggestions for adjustments.

## Art.07: Including Website Guidance for Authors About Quality of Support

**ONLINE VOTE:** 46-7 [**Passed**]

**TEXT:** Rework the ‘Citations’ subsection of the ‘Submissions’ page on the website by adding a new sentence at the front, so the subsection reads: ‘We consider the quality of support (e.g., that claims are adequately supported by citations) when evaluating a piece. Please use footnotes that conform to the 22nd edition of the Bluebook.’ The ABC Chair and/or Articles Co-Chairs may modify this language to more accurately reflect the extent to which support and Bluebooking are considered in the selection process.

[Note that this statement reflects the fact that the 22nd edition of the Bluebook will be published this spring.]

**OFFICERS:** ABC Chair and/or Articles Co-Chairs (developing language); Big 5 (updating the website)

**DISCUSSION:** Currently, on the submissions page of the HLR website (<https://harvardlawreview.org/homepage/submissions/>), we advise authors to “use footnotes that conform to the 21st edition of the Bluebook” and note that “we require quotation marks whenever a non-trivial amount of exact language has appeared in another source and citations whenever an idea has been paraphrased from another source.” The Transition survey indicates that many editors consider the quality of citations, support, and Bluebooking when they evaluate a submitted article. Since editors take these factors into account, we believe providing authors more explicit guidance may be helpful. The resolution is drafted with model language that emphasizes the quality of support (rather than indicating that we evaluate technical Bluebook conformity), but the ABC Chair and Articles Co-Chairs would retain discretion to modify the proposed language.

*Update:* Based on editor comments, the Articles Committee has adjusted the rule to reflect that the new 22nd edition of the Bluebook is being published this spring.

## Art.08: Creation of New “Professional Standards for Law Journals”

**ONLINE VOTE:** 32-21 [**Went to Live Vote**]

**LIVE VOTE:** 36-17 [**Passed**]

**TEXT:** HLR will take the lead in creating “Professional Standards for Law Journals” (could be called the “Blue Standards”), potentially in conjunction with other members of the Bluebook Consortium, that codify best practices (e.g., ~1 week grace periods after offers, support for ideological and author diversity, etc.). A new committee composed of volunteers from the HLR membership will lead the drafting of these standards.

**OFFICERS:** Big 5; Any member of the body who volunteers for the Standards Committee

**DISCUSSION:** One of the main challenges HLR faces in securing top articles is that certain other peer law journals give authors “exploding offers,” in contrast to the best practice (followed by HLR, Yale, Stanford) of giving authors a ~1 week grace period to accept. Given we have little/no leverage to compel them to change, we believe it could be very effective to create a new set of professional standards (i.e., best practices) for law reviews across the country. These would be relatively straightforward, featuring 5-10 key principles that journals should follow (see below for some very preliminary examples), and could be created by a voluntary committee. Once we develop these, we could work with other Bluebook Consortium journals that are already following these principles, as well as our friends on other HLS journals, to adopt these principles and, under an umbrella title, share them on their websites. By spreading the adoption of these “Blue Standards” (draft title), journals would feel positively incentivized to adopt them (to feel “premier” and in line with top-journal standards). As authors eventually learn of them, should they for example receive an exploding offer, they might question the journal “oh, you don’t follow the Blue Standards?” or “Most other journals give a week to decide, why don’t you?” etc., placing pressure on these non-conforming journals to change their practices and adopt the standards.

Some extremely preliminary ideas for potential standards could include the following: Journals should provide authors with a one week grace period to accept or decline an offer to publish; Journals should inform authors of rejections as soon as possible; Journals should strive for ideological diversity; Journals should provide thorough editing for citation support; Journals should initially review articles without regard to the author’s status/identity; etc.

To recap, we feel that this proposal could have a positive impact on law journals nationally, while taking relatively little work on the part of HLR. It could even perhaps form the basis of new IP (we could maybe trademark the standards’ title and contents, then license them (for free) out). Should it be successful, it could even spread to international law journals or other types of academic journals. Even if the initiative falls short of these bold aspirations, it may at a minimum, if adopted by a few key schools, help address the problem of peer journals using exploding offers. We encourage our Volume to adopt this transition resolution.

*Update:* The text remains consistent with the draft, as editor comments suggested general support for this resolution, albeit with some noting hesitance regarding how realistic the impact of such an initiative could be.

**Live Discussions Note:** There were some concerns about over-indexing on this committee, as other schools may not adopt it because they perceive it as HLR trying to skew the odds in their favor. This committee should try to get other schools involved early on to assuage that concern. And in live discussion, we concluded it should not be a huge effort in case it doesn't succeed — purely a volunteer basis and maybe only an hour or two.

## Art.09: Affirming Our Commitment to Diverse Content & Authorship

**ONLINE VOTE:** 43-10 [**Passed**]

**TEXT:** The Articles Committee and the Body as a whole will strive to select and publish articles that reflect diversity of subject area, viewpoint, and author. As a generalist journal, we reaffirm our commitment to publishing the most novel and high-quality scholarship in all areas of the law and from a variety of viewpoints and authors. We commit to keeping this value at the forefront of our article selection process. The ABC Chair will remind the Body of this commitment at the start of each O-Read.

**OFFICERS:** ABC Chair; Whole body.

**DISCUSSION:** The vast majority of the Body expressed at least some dissatisfaction with the diversity of the articles we select. While our current Articles editors have worked hard to address this issue and select an interesting and diverse slate of articles for Volume 138, we believe it is important to recommit ourselves to this mission and ensure that the next ABC Chair, Articles Co-Chairs, and Articles Committee commits to using their discretion to achieve this goal. Because of the nature of the selection process, a binding resolution committing to achieving certain metrics of subject matter or ideological diversity is infeasible and undesirable. However, formally expressing this intention and reminding the Body of it before O-Read may help us achieve our goal.

*Update:* The text remains consistent with the draft, as editor comments suggested support for the approach here articulated.

## Art.10: Publishing Corporate and Business Law Scholarship

**ONLINE VOTE:** 37-16 [**Passed**]

**TEXT:** Through articles selection and/or solicited content, Volume 139 will strive to include at least one piece of scholarship in the field of corporate or business law. To accomplish this goal, the ABC Chair and Articles Co-Chairs may consider reviewing past high-impact business law articles in peer

journals, consulting business law faculty on high-profile working papers, and taking other appropriate actions.

**OFFICERS:** ABC Chair, Articles Co-Chairs, MEO, Book Reviews Chair, Articles Editors.

**DISCUSSION:** HLR does not publish scholarship in business or corporate law very regularly, in contrast to many of our peer journals. A quick perusal of the pages of the UChicago Law Review, Yale Law Journal, UPenn Law Review, Columbia Law Review, and Stanford Law Review in recent years demonstrate just how infrequently HLR publishes corporate law and, more generally, business law articles. The lack of business law scholarship on HLR's pages exists despite the large number of business law faculty at HLS and other top law schools. HLR is a general interest journal for all types of legal scholarship, and it would be best to avoid the impression that HLR is a less "strong" or desirable placement for business or private law articles when compared to its peer journals. The committee does not wish to force Volume 139 to publish a business law piece in a heavy-handed manner. Still, the committee believes that the discrepancy between HLR and peer journals in publishing business law articles justifies some actions to ensure that HLR is not "missing out" in publishing high-impact scholarship in a widely-cited, large subfield of law.

To that end, the committee has adopted a pledge to include at least one piece, either an article or a solicited work, on a topic in corporate or business law, broadly defined. To avoid formally tying Volume 139's hands on articles selection in a heavy-handed manner, this resolution's first sentence is not formally binding. The second sentence provides an illustrative but non-exhaustive list of recommended measures for Articles leadership to take to ensure that HLR does not systematically "miss" high-impact scholarship in corporate or business law.

*Update:* The text remains consistent with the draft, as editor comments suggested general support for this resolution (with some editors noting they were surprised by their own support).

## Art.11: Improving Institutional Memory of Faculty Reviewers

**ONLINE VOTE:** 53-0 [**Passed**]

**TEXT:** "Direct the outgoing ABC Chair to provide an organized list of faculty contacts."

**OFFICER:** ABC Chair

**DISCUSSION:** The ABC Chair has done incredible work over the past year, including developing lists of expert academics who are open to providing faculty reviews related to certain topics. We believe it would be very beneficial to the incoming ABC Chair, and all future ABC Chairs, if the outgoing Chair would leave clear and organized lists of contact information for these faculty

members, including their titles, areas of expertise, email addresses, and (possibly) former articles that they have provided reviews on for us. The ABC Chair may already be inclined to do this, but we feel it could be helpful to formally codify this resolution to help ensure this important handover task is completed.

*Update:* The text remains consistent with the draft, as editor comments suggested general support for this resolution.

## Art.12: Empirical Expert Repository and Involvement

**ONLINE VOTE:** 47-6 [**Passed**]

**TEXT:** The ABC Chair will create, expand, and maintain a list of at least three to five “empirical expert” faculty. If an empirical piece proceeds to O-Read, the ABC Chair will strongly encourage these faculty members to provide written commentary on 1) the quality of a piece’s empirical methodology and 2) the practical impactfulness of a piece’s empirical findings before the O-Read’s commencement. If an empirical piece proceeds to C-Read, the ABC Chair is also encouraged to reach out to one of these faculty members.

**OFFICER:** ABC Chair

**DISCUSSION:** Over the past few decades, empirical research has grown increasingly popular in the legal academy. A significant share of law professors, especially at top institutions, hold both JD and PhD degrees, and many such “JD-PhD” professors have completed PhD training in empirical social science (e.g., economics, political science). In the committee’s view, HLR needs to consider its approach to evaluating empirical research more intensively. Concerns about HLR editors’ capability to evaluate highly technical empirical work remain legitimate and relevant. However, the growth of empirically-oriented law faculty and legal scholarship requires HLR to effectively evaluate empirical work to ensure its reputation as a preeminent general-interest student-run law review.

To this end, the committee resolves that the ABC Chair assemble a list of “empirical expert” faculty and utilize their services whenever appropriate and feasible. If empirical social science is any guide, empirically-minded faculty often develop informed views on an empirical piece’s rigor and impact when the work is “shopped” at conferences as a working paper, before the piece is formally submitted to a law review. To the committee, HLR can better identify high-impact empirical scholarship by more frequently communicating with faculty. To accomplish this goal, the ABC Chair would ideally contact at least one “empirical expert” faculty before an empirical C-Read and all “empirical expert” faculty before an empirical O-Read to ascertain their thoughts on both the rigor and the scholarly impact of an empirical piece. HLR may never be able to fully replicate faculty peer review, but these measures are designed to bring the articles selection process closer to a peer review process with evaluating technical empirical work.

To the best of our knowledge, similar proposals have been raised in the recent past, yet HLR's procedures for incorporating faculty input into empirical work appear to be very similar, at least in practice, to its procedures for incorporating faculty feedback on nonempirical work. In the committee's view, since empirical work is both increasingly prevalent in legal academia and uniquely difficult for student editors to evaluate, increasing faculty guidance and involvement in the selection process for empirical work would, in this committee's view, offer significant benefits. This proposal represents one concrete mechanism to more intensively incorporate such involvement.

*Update:* The text remains consistent with the draft. Editor comments yielded vibrant discussion on this topic, though not in a manner that would support changing the text at this time.

# Community Committee Resolutions

## Community

Terrell Seabrooks (chair)

Lila Zarrella

Sean O'Neil

Lisa Kessler

AJ Williamson

Christine Anabo

Madhuri Venkateswar

C.01: Organizing geography-based in-person meet-ups during summer onboarding and more informal Gannett House events earlier in the semester

**ONLINE VOTE:** 47-6 [**Passed**]

**TEXT:** The VP CDO shall organize summer meetups as part of the onboarding process for new editors. The meetups would be geography-based, voluntary, and eligible for subsidization using HLR resources. Additionally, the Big Five (or other designated officers/committees) should organize other informal onboarding events in Gannett House during the first few weeks of the Academic year.

**OFFICERS:** VP CDO / Managing Editor of Operations

**DISCUSSION:** Survey results indicate a broad desire for increased opportunities to connect with fellow editors earlier in the onboarding process. The rigors of the semester often prevent Editors from taking advantage of social events during the academic year, so summer and early semester meetups are an additional option that may help foster a stronger community. Some editors expressed an interest in having an online option. The wording of this resolution should not be read to preclude that as an option.

C.02: Creation of an orientation committee

**ONLINE VOTE:** 37-16 [**Passed**]

**TEXT:** The Vice President CDO / Managing Editor of Operations shall form an orientation and onboarding committee. The committee should consider the following goals and values: (1) Helping new editors feel welcome, (2) increasing community buy-in (e.g., going over the history and tradition of HLR, bringing in alumni, past authors, and formal welcome packets), and (3) preparing new

editors for pool work via technical training. In the spring, the committee shall consider numerous proposals to balance these goals/values, including ideas like the “reverse classroom method.”

**OFFICERS:** VP CDO / Managing Editor of Operations

**DISCUSSION:** Law Review members have indicated that orientation, though helpful, left them feeling less than adequately prepared for their first assignment. Moreover, many editors stated a preference for a reverse-classroom orientation setup. The VP CDO and MEO plan orientation independently and only contact relevant officers as needed. This resolution would form a broader committee to help them evaluate various orientation techniques and compile adequate training resources.

### C.03: Creation of a July/August Pool-Work Mentor

**ONLINE VOTE:** 39-14 [**Passed**]

**TEXT:** In July and August, each new editor will be assigned a “mentor” who can provide feedback and assistance on pool work. The VP CDO and MEO retain discretion in designing the system. This new mentorship structure may supplement or replace the sibling/family structure.

**OFFICERS:** VP CDO / Managing Editor of Operations.

**DISCUSSION:** Some upper-volume officers have noted varied levels of dissatisfaction with perceived pool-work effort. Many lower-volume editors are unsure of the standards against which they are evaluated and want more feedback. Currently, formal opportunities for feedback exist but are limited. Moreover, informal, generalized feedback to the entire volume via Slack can create concern for new editors without improving the quality of their work. While some editors feel comfortable contacting upper-volume officers for informal assistance, others may not. Survey results indicate that both volumes generally view having a July/August Pool-work mentor as a possible compromise solution that would help strengthen accountability, increase opportunities for feedback, and improve the overall quality of pool work. It is worth noting that some editors will have more/less technical experience, and this may alter their ability to provide feedback. But at the very least, every upper-volume editor should know the basics of every assignment and be able to provide general feedback (e.g., “comments should follow this format,” “never use the Bluepages of the Bluebook,” etc.). To the extent questions become too technical, mentors could help point their mentees toward an editor with more experience or the Bluebook channel on slack.

### C.04: Presumption about feedback/ tone

**ONLINE VOTE:** 48-5 [**Passed**]

**TEXT:** All officers shall commit to a culture of open, honest, and respectful feedback. Volume 140 should feel comfortable asking any officer questions about their work. The MEP, ABC Chair, Notes Chair, Supervising Editor, Supreme Court Chairs, and Online Chairs shall all discuss and draft general feedback best practices they will commit to following. For example, the MEP and EEs may agree to preserve the current practice of sending “+/-” to editors on all pages and galley assignments. The ABC Chair may choose to only offer feedback on Roto’s if their is an egregious issue or an editor reaches out.

**OFFICERS:** All

**DISCUSSION:** Survey results demonstrate that lower-volume editors were unsure of the quality of their pool work. In addition to seeking more feedback, editors expressed a desire to affirm that when substantive feedback is given, it is done productively and constructively, on an individualized basis rather than through general, informal comments. One mechanism to promote the most supportive and helpful constructive feedback is by affirming the journal’s value of assuming that pool workers took a good-faith approach in an assignment. The tone of any feedback should reflect this assumption of good faith. Setting this cultural expectation of HLR’s values promotes higher-quality work, internal motivation, and the well-being of editors. Admittedly, there are some concerns that this resolution is not concrete. This concern may be addressed by requiring several officers to be responsible for formalizing and sharing their feedback best practices with the lower volume. This addition also recognizes that all assignments are different, and each position has a different bandwidth for providing feedback. What is essential is ensuring the lower volume knows expectations and feels comfortable reaching out.

## C.05: Prioritization of social events to foster community

**ONLINE VOTE:** 44-9 [**Passed**]

**TEXT:** The VP CDO (and other editors as the VP CDO may designate) will organize regular opportunities for editors to gather in varied settings. These opportunities should include lunch talks with professors and other outside speakers, small group lunches with other editors, debates between speakers of different ideologies, and weekend socials.

**OFFICERS:** VP CDO

**DISCUSSION:** This resolution reflects a broader commitment to establishing a consistent social calendar that reflects the preferences outlined in the transition survey. Several editors expressed interest in setting a minimum requirement rather than using the language “regular opportunities.” This approach would help establish a baseline and improve accountability. But it would also restrict flexibility and bind us to a monthly commitment that may not reflect the interests of v. 140, our budget capabilities for the next school year, or the month-to-month discretion that allows for

responsive planning. Moreover, each event is different, and one big event - for example, the Fall Formal and Fall Retreat - may take much more effort than three more minor events. As an additional note, opportunities included in the text are not a random list, they are the types of events that most people indicated they would like to have. This resolution affirms that we, as a body, want those events rather than other social events (e.g., random snacks/study breaks).

## C.06: Formation of a community committee

**ONLINE VOTE:** 39-14 [**Passed**]

**TEXT:** The VP CDO shall create a committee to assist in organizing social events to foster a body-wide community.

**OFFICERS:** VP CDO

**DISCUSSION:** Survey results indicate a strong desire for low-stakes, voluntary, small-group social events open to the whole body. Assigning responsibility to a committee will help ensure the implementation of these smaller social events. This committee could implement the social events prioritized in Resolution 5, including randomized matches among editors for one-on-one or small group meals, work community events, professor talks, in-person meet-ups during orientation, and other events to encourage and promote body-wide community. The committee would be composed of volunteers from the body, including 2-3 volunteer chairs to lead the committee. The overarching goal is that every editor knows every other editor by name, especially on their volume (or to facilitate that possibility). Several editors noted that committee structure helps spread the burden of event planning. Other editors noted that committees only function if people remain committed. Several upper-volume editors cautioned that people are very eager in the spring but less so in the fall. There are also existing committees from prior years that are not yet up and running.

## C.07: Regular Pool Work Meetups

**ONLINE VOTE:** 47-6 [**Passed**]

**TEXT:** The VP CDO shall organize regular opportunities for Editors to voluntarily meet in Gannett (or other reserved spaces) to complete pool work. The time and setting should be formal and advertised (e.g., “Small Pool Room from 6-9 pm on Thursday”). The space will be reserved exclusively for pool work. Food or snacks may be provided and if the resolution affirming a culture of feedback passes, various officers may consider this a great way to host informal office hours/answer questions.

**OFFICERS:** VP CDO

**DISCUSSION:** Survey results indicate general support for more organized pool work opportunities. Organized pool work may help build community, increase accountability, and improve work product. One potential concern is that these work sessions could become too informal and hinder pool work. Others noted that it may also be helpful to have an upper volume editor present to answer questions. Note: This resolution was revised to exclude the possibility that these events be mandatory.

## C.08: Fully Transition Whitebook and Brownbook To HelpDocs

**ONLINE VOTE:** 30-23 [**Went to Live Vote**]

**LIVE VOTE:** 17-36 [**Failed**]

**TEXT:** The MEO, MEP, and Note Chairs, working with the Strategy and Oversight Chair, shall depreciate the print versions of the Whitebook and Brownbook. Moving forward, the MEO and MEP, when updating these Books, shall be responsible for making their changes directly on HelpDocs (where up-to-date versions of the Whitebook and parts of the Brownbook are currently maintained). The MEO and MEP shall also explore the feasibility of moving other colorful books to HelpDocs.

**OFFICERS:** Strategy and Oversight Chair, Managing Editors of Operation, Managing Editor of Production, Note Chairs.

**DISCUSSION:** Currently, there is some redundancy in HLR resources: The Whitebook and Brownbook are updated through distinct pipelines in print and on HelpDocs. Depreciating the print versions of these Books would cut down on this redundancy. There are two main benefits to maintaining these Books on HelpDocs: (1) The process of updating the Books can be done with greater efficiency on HelpDocs; (2) having the Books in one online location simplifies the process of searching for the information contained in the Books; (3) HelpDocs is flexible – it would be possible to move information about Transition and Elections, for example, to the service as well. There are also some concerns to consider: (1) Maintaining the HelpDocs site costs HLR \$660 a year, (2) the current HelpDocs editor usage rate is unclear, so, if this change were to pass, there must be clear messaging about the necessity of using HelpDocs to search for Whitebook and Brownbook information, (3) as we post more sensitive information onto the HelpDocs, more privacy might be required, which would increase the cost of the service, (4) some people have expressed concerns of no downloadable, PDF version of these Books existing, so perhaps would need to consider maintaining up-to-date PDFs on HelpDocs too.

# Editing & Bluebook Committee Resolutions

## Editing & Bluebook

Alex Glickman (chair)

Jennifer West

Shaw Mettler

Otto Barenberg

Julia Kothmann

Zack Steigerwald Schnall

## EB.01: Bluebook, Automation, And AI Transparency

**ONLINE VOTE:** 40-13 [**Passed**]

**TEXT:** The Bluebook Chairs shall coordinate with interested members to support the creation, piloting and testing of an internal tool to catch Bluebook errors. The tool will focus on a few high priority, easily encoded rules, e.g., the five footnote rule, italicizing id. citations, and checking supra citations. The tool will not use artificial intelligence and will instead be based on pattern matching and rules.

Additionally, the Bluebook Chairs shall ask representatives from the other journals in the consortium how, if at all, they use AI in their operations. At their discretion, they may bring the Strategy & Oversight Chair into this engagement process. They shall conduct further research with flagship journals at other schools, e.g., Stanford Law School, to gain insight into whether and how their journals integrate AI. In the State of the Bluebook meeting, they shall include a report on how other journals use AI, as well as a discussion of what use of AI in HLR editing might look like, coupled with an informal assessment of whether (1) HLR needs approval from other journals in the consortium before integrating AI into HLR's editing process and 2) said journals would approve such use. During the following transition, the Chairs shall provide the Editing & Bluebook Committee with a recommendation of whether to proceed with use of AI and in what capacity. Passing this resolution would not commit the journal to any use of AI.

**OFFICERS:** Bluebook Chairs; Strategy & Oversight Chair, MEP

**DISCUSSION:** Based on survey results, a majority of editors support the idea of introducing automation into technical editing, but are concerned with its ability to accurately catch errors. Some further worry that excessive reliance on AI will make editors unaccountable, or may even render them complacent with regard to Bluebook rules themselves. Others are concerned about legal implications, particularly given that the Bluebook is a shared product. A few express reservations about the environmental impacts of AI. One suggested a policy that HLR editors only use this automation for HLR assignments, so as not to gain an unfair advantage elsewhere. Still, most editors

appear to support automation in theory—so long as it reduces the amount of time spent editing, without having a negative impact on accuracy.

This resolution proposes to pilot automation — not AI — to catch simpler, routine errors. There are several examples of such errors (such as the five footnote rule, eliminating a second period after id., and ensuring that supras link to the correct number) that occur relatively frequently. Many of these errors are not complicated but nevertheless are missed in the course of a Subcite or a Galleys. Creating a tool that automatically flags the violation of these rules could both lower the strain on pool workers and increase the odds that pieces get to publication with no errors. There are outstanding questions about how much money it would cost to build and maintain this system. It should have similar privacy protections and environmental impact comparable to uploading a file to Sharepoint.

To gain further information about the potential effectiveness of such automation, as well as legal implications, HLR should investigate if any other journals are already using some form of automation in their technical editing. Consortium journals provide the most intuitive starting place. Anecdotes suggest that Stanford Law Review uses AI in at least its bookgrabs, so they might be able to provide feedback on how automation affects work ethic and to offer suggestions for preserving accountability. With additional information, the Bluebook Chairs can provide an update to HLR editors in the next State of the Bluebook meeting, which might serve as a catalyst for further action.

Further discussion points from discussion board comments: (1) importance of discussing any technological changes with legal counsel before implementing, (2) the benefits from the standpoint of pool worker time, (3) weighing the tradeoff between budgetary considerations and the effort of making certain Bluebook changes.

## EB.02: Eliminating Internal Inconsistencies and Forming a Bluebook Addendum

**ONLINE VOTE:** 36-17 [**Passed**]

**TEXT:** The Managing Editor of Publication and the Bluebook Chairs shall create and maintain a channel of communication for editors to report inconsistencies within the Bluebook, inconsistencies within the Blackbook, and any technical inconsistencies across published HLR articles that are not the product of a technical error. The Managing Editor of Publication shall resolve inconsistencies in the latter two categories through periodic revisions or additions to the Blackbook. The Bluebook Chairs shall notify representatives from other journals in the consortium of any inconsistencies within the Bluebook.

The Bluebook Chairs shall further discuss with consortium representatives the prospect of an annual Bluebook Addendum, to be published online. This addendum would overlay with the most recent

edition of the Bluebook and resolve discovered inconsistencies. An asterisk or other symbol would indicate these revisions to emphasize any discrepancies with the print version. A note would stress that while the Addendum provides technically correct advice, the print version is still an authoritative guide.

**OFFICERS:** Managing Editor of Publication; Bluebook Chairs

**DISCUSSION:** When editing a piece, it is not uncommon to find a citation or stylistic choice that has no formal Bluebook rule, no Blackbook guidance, and multiple approaches taken by authors in pieces previously published in HLR. In some cases, these are discretionary decisions that should be left to the author's voice—but in other cases, HLR should adopt a rule for consistency's sake. Elsewhere, editors have found inconsistencies across Blackbook rules, across Bluebook rules, and within Bluebook examples. It is difficult to maintain that these books contain "rules" if we ourselves do not follow them. By keeping a channel open for discovery of such inconsistencies and acting on them with more regularity, we can further our aim of technical consistency in legal writing.

Addendums to the Bluebook are a logical next step, as they provide an opportunity for us to improve legal writing beyond our own journal. One concern might be that addendums highlighting our own errors would be embarrassing or otherwise harmful to the legitimacy of the Bluebook. But so long as these errors exist, some will discover them. It is better practice to resolve them quickly and loudly than to let these errors mislead writers in the up-to-five years it takes for a new edition to quietly make them disappear.

Further discussion points from discussion board comments: (1) fixes are made to the online Bluebook as soon as errors are spotted and fixes are made at each new printing (roughly once a year) to the physical Bluebook.

### EB.03: Long-Term Bluebook Priorities

**ONLINE VOTE:** 47-6 [**Passed**]

**TEXT:** The Bluebook Chairs and Strategy & Oversight Chair shall continue to explore opportunities to provide Bluebook access to incarcerated individuals at no cost, and to other disadvantaged groups at low or no cost. These officers shall coordinate with Bluebook staff and the Vice President / Treasurer to ensure such efforts are financially viable. In subsequent State of the Bluebook meetings, the Bluebook Chairs shall regularly update the body on steps they have taken and plan to take regarding Bluebook access and equity.

The Bluebook Chairs shall also have the discretion to coordinate with representatives from others in the consortium to develop merchandise. If the consortium approves the sale of merchandise, editors

should have an opportunity to submit ideas for designs. The Bluebook Chairs should include an update on these initiatives in the State of the Bluebook meeting.

**OFFICERS:** Bluebook Chairs; Strategy & Oversight Chair; President

**DISCUSSION:** This past year’s efforts to expand Bluebook access seemed to be met with enthusiastic support from the HLR body, and did not appear to threaten revenue. We support the continuation of these efforts, as well as the inclusion of an access & equity report in all future State of the Bluebook meetings. However, one concern could be related to affiliated costs, as well as establishing boundaries for who among disadvantaged groups merits access.

The prospect of Bluebook merchandise elicited survey responses ranging from “I would love nothing more” to “absolutely not,” from “lol I would shop there” to “lol no.” Clearly, this is a hotly contested issue that will need to be discussed further. We leave it to the Bluebook Chairs to figure it out. After meeting with the rest of the consortium, they can determine whether there is a green light, and if so, HLR editors can submit designs for hats, tote bags, and other paraphernalia. This should not come at the cost of the Bluebook Chairs’ focus on other priorities.

## EB.04: Reducing Galleys & Pages Workload and Clarifying Editor Expectations

**ONLINE VOTE:** 33-20 [**Went to Live Vote**]

**LIVE VOTE:** 46-7 [**Passed**]

**TEXT:** To facilitate thorough technical editing and ensure Galleys and Pages remain four-hour pool assignments, the MEP and EEs shall reduce the number of pages per editor in Galleys and Pages assignments. EEs and the MEP shall maintain discretion to determine an appropriate workload per editor — but are encouraged to consider at least a 25% page-per-editor reduction. Concurrently, to mitigate the heightened burden on pool capacity, the MEO shall decrease the number of editors assigned to each (shortened) Galleys and Pages part from four to three.

The MEP, in consultation with the MEO and the Big 5, shall update the Whitebook to clarify substantive editing requirements at Galleys and Pages (i.e., whether to check substance/characterization, pincites, signals, quotes, etc.). The MEP is encouraged to consider narrowing the scope of Pages vis-à-vis Galleys.

**OFFICERS:** EEs, MEP, MEO

**DISCUSSION:** A substantial number of survey respondents expressed support for collapsing galleys and pages into one round of technical edits, while a substantial number supported maintaining the status quo. We feel the Law Review’s technical editing process ought to facilitate (1)

thorough consideration of technical issues by poolworkers and (2) layers of redundancy in the technical editing process. We believe the best way to maintain our high standards and reduce the technical editing burden on poolworkers is to reduce the number of pages editors are assigned at Galleys and Pages. (We note especially the lower volume’s sentiment that one pool day often isn’t sufficient to comprehensively technically edit pieces at Galleys and Pages.) We believe shorter Galleys/Pages assignments are conducive to detail-oriented technical editing that catches more errors and doesn’t overburden poolworkers.

Reducing the Galleys/Pages burden on each poolworker comes at the expense of raising the burden on the pool overall (i.e., the total number of poolworkers assigned to each Galleys/Pages). To compensate, we propose reducing the number of editors-per-part from four (the current number) to three. This entails a tradeoff; we’d diminish the overall burden on the pool but lose slack at Galleys/Pages, where some editors regularly fail to submit assignments, submit too late for their comments to be useful, and/or don’t put in sufficient effort. We feel three editors per Galleys/Pages part, especially for newly-shortened parts, is a reasonable compromise — maintaining sufficient slack while reducing pool workload — but welcome feedback.

Finally, we encourage the MEP/MEO to clarify Galleys/Pages requirements. We note some confusion among poolworkers over how much (if any) substantive editing ought to be conducted at Galleys/Pages. We welcome suggestions on streamlining the substantive requirements of Galleys/Pages.

## EB.05: Encouraging Authors to Find Their Own Support

**ONLINE VOTE:** 49-4 [**Passed**]

**TEXT:** All P-readers shall perform a “support check,” wherein they highlight all sentences/claims clearly lacking support. The P-reader shall transmit their support check to the author(s) alongside their P-read memo and substantive comments, and shall request the author(s) add support for each identified sentence/claim.

**OFFICERS:** SEs, NEs, President

**DISCUSSION:** This resolution, which reaffirms an existing P-read practice, amends a prior draft resolution piloting a “support check” pool assignment. Based on feedback received during the commenting period, we believe P-readers are well-equipped to identify insufficient support, and an additional pool assignment may induce substantial delays and logistical stress (special thanks to Angie, Sophia, Dallas, Kieran, Ben R., and Dina for their comments). Our overarching goal remains — to clearly signal to authors our standards for support, and to shift the burden of finding support away from editors and towards authors.

## EB.06: Poolworker Feedback: Upload Of Compiled Poolworker Comments

**ONLINE VOTE:** 51-2 [**Passed**]

**TEXT:** After SEs (for substance check and subcite) and EEs (for galleys and pages) send compiled poolworker comments to authors, SEs and EEs will disseminate these comments internally to HLR Editors. The SEs and EEs will decide whether it is easier for them to upload the compiled comments to SharePoint or send the document to poolworkers via email, and will follow the approach that is most feasible for them. The SEs and EEs will disseminate these compiled comments in a reasonable time frame that allows poolworkers at later stages in the editing process to review earlier sets of compiled comments.

**OFFICERS:** MEP, EEs, SEs

**DISCUSSION:** Survey responses consistently indicated that Editors would appreciate feedback on their poolwork to understand what they are doing well and where there are opportunities for improvement. A greater flow of feedback would also improve officers' workload — given that feedback would presumably lead to higher quality poolwork, SEs and EEs would spend less time doing de novo edits that should have been caught in the pool, and would spend less time removing erroneously offered recommendations before sending comments back to authors. While additional feedback is helpful for poolworkers, we are also mindful of the fact that SEs and EEs already have significant workloads, and we are reluctant to impose another responsibility on these officers. Thus, we have proposed two feedback systems that require varying levels of officer involvement.

This is the “lower lift” mechanism of feedback, as the SEs and EEs already compile poolworker comments and send them to authors. As such, uploading the compiled document to SharePoint or circulating it via email would be an additional step, but one requiring relatively minimal SE/EE time and effort. It would be very helpful for poolworkers to see which of their comments were and were not passed along, and it would also be useful for poolworkers at later stages of the editing process (i.e. subcite, galleys, and pages) to refer to these documents in order to avoid making comments that authors have already rejected.

We also strongly encourage, but do not require, SEs and EEs to upload the author's responses to poolworker comments. For example, poolworkers were able to access and review Professor Campbell's responses to poolworker feedback, which was very helpful to poolworkers working on his piece at later stages in the editing process.

Survey responses also indicated that poolworkers especially appreciate Nitin's very helpful “+/-/~” system. We encourage SEs and EEs to conduct this more in-depth review of poolworker comments if they have capacity to do so, but are not mandating this depth of review in our resolution to avoid overburdening officers.

One downside to this resolution is that Editors may not know which of the edits that were passed along were mandatory, as opposed to merely suggestive. Editors also may not know exactly why their comments were not passed along to an author, which may not do enough to prevent Editors from making the same mistakes in future poolwork. However, this resolution would nonetheless provide valuable (albeit not fully comprehensive) feedback for Editors at a relatively low cost to implementing officers, which would improve upon the current system.

## EB.07: Poolworker Feedback: In-Depth Feedback Session

**ONLINE VOTE:** 27-26 [**Went to Live Vote**]

**LIVE VOTE:** 3-50 [**Failed**]

**TEXT:** At some point during the fall semester (from September onward), all Editors in the lower volume will have an in-depth feedback session on their previously submitted poolwork. At this session, one member of the upper volume will meet with the lower volume Editor to offer constructive feedback on things that they are doing well in their poolwork, as well as opportunities for improvement. The poolworker will also have an opportunity to ask questions about poolwork and assignments. This session will be longer than the August 15-minute feedback session for lower volume Editors. Implementing officers will decide the length of the session, the timing of the session, the piece(s) of poolwork that will be analyzed ahead of the session, the personnel that will conduct the feedback session, and other logistical details. One option is for SEs to review a piece of August poolwork (a subcite) and conduct this feedback session early in the fall. Another option would be to review a non-SCOTUS subcite in September.

**OFFICERS:** MEO, MEP, SOC, SEs

**DISCUSSION:** Survey responses consistently indicated that Editors would appreciate feedback on their poolwork to understand what they are doing well and where there are opportunities for improvement. A greater flow of feedback would also improve officers' workload — given that feedback would presumably lead to higher quality poolwork, SEs and EEs would spend less time doing de novo edits that should have been caught in the pool, and would spend less time removing erroneously offered recommendations before sending comments back to authors. While additional feedback is helpful for poolworkers, we are also mindful of the fact that SEs and EEs already have significant workloads, and we are reluctant to impose another responsibility on these officers. Thus, we have proposed two feedback systems that require varying levels of officer involvement.

This transition resolution institutes a second round of feedback for lower volume Editors during their first semester in the pool. This feedback session would be more in-depth than the brief August feedback session. The timing of this second session would allow lower volume Editors to have built

up a broader base of poolwork for officers to review ahead of the meeting, and thus will allow officers more opportunities to spot patterns or common errors across an Editor's poolwork.

Implementing officers will have discretion to decide which upper volume Editors will be involved in administering feedback, keeping in mind various officers' time constraints. Implementing officers will also decide the length of the session, when it will occur, and other logistical considerations.

One downside to this resolution is that it would impose time constraints upon the upper volume Editors who would be tasked with reviewing poolwork and conducting these in-depth feedback sessions. However, the implementing officers will have discretion to determine which upper-volume Editors will conduct these sessions, thus ensuring that officers are not overburdened by the addition of this responsibility.

## EB.08: Return To The Tradition EE-Read System

**ONLINE VOTE:** 40-13 [**Passed**]

**TEXT:** Currently, EEs, Super-Es, and sometimes miscellaneous other officers do EE-reads. This resolution would restore the traditional division in which EEs are responsible for all EE-reads and Super-Es are in the pool for an allotted number of days each month.

**OFFICERS:** MEO, MEP, SEs, EEs.

**DISCUSSION:** There is some dissatisfaction with the current hybrid system of EE-reading. Super-Es have a “mish mosh of responsibilities and schedules” and a heavy workload, there may be less consistency with the quality of EE-reads as the number of people who do them grows, and there are “tricky hand-offs” between Super-Es and EEs. Returning to the traditional system might resolve some of these tensions: (1) There would be a cleaner and more consistent distribution of work, and (2) there might be more consistency in work product. At the same time, however, the traditional system involves quite a heavy workload for EEs, one that might be described as an “unsustainable lift.” The Masthead endorses returning to the traditional EE-read system paired with adding an EE or two.

Further discussion points from discussion board comments: the EEs are in favor of this resolution, but other officers caution that the workload prior to Vol. 138 was seen as unsustainable for EEs – and there is a question of whether adding one or two EEs will truly fix this problem.

## EB.09: Redistribution of EE and SE Responsibilities (Joint with Governance)

**ONLINE VOTE:** 15-38 [**Failed**]

**TEXT:** Effective immediately, there shall be more Super-Es than EEs. The exact distribution of Super-Es and EEs will be decided by the Big 5, but there must be more Super-Es than EEs. Super-Es will oversee the substantive editing process including the substance checks and subcites performed by poolworkers. After consulting with the author and incorporating approved changes from those reviews, the Super-Es will perform an “SE-read” (the substantive portion of what has traditionally been the EE-read) which will be the final product submitted to the EEs in letter-draft format. EEs will then be responsible for technical editing exclusively. They will perform an “EE-read” (redefined to be only the technical portion of what has traditionally been the EE-read) and will oversee Galleys, Pages, and Bookproofs. This will apply to all print writing.

**OFFICERS:** Supervising Editors, Executive Editors, Managing Editors of Operation, Managing Editor of Production

**DISCUSSION:** Concerns have consistently been raised that Super-Es and especially EEs have an overly large workload. Some EEs have specifically voiced frustration over how much substantive editing they are having to do during EE read. This proposal intends to improve specialization by allowing Super-Es to be substantive experts and EEs to be technical experts. We suggest changing the numerical distributions of Super-E and EE positions to reflect this proposed shift in responsibilities, as substantive editing is often identified as particularly time consuming. Currently, there are 10 EEs and 5 Super-Es. One concern for consideration is the fear that, because the distinction between technical and substantive editing is not particularly clear, there might be overlap between the SE-Read and the EE-Read and this distribution would lead to overlapping or duplicative workstreams.

The Masthead is strongly opposed to this proposal for several reasons. First, it notes that the characterization of EE-read as an exercise that is primarily focused on substantive errors is incorrect – the EE-read is and should be both technical and substantive. The issue that frustrates EEs is not that they have to do some substantive editing at the stage of EE-read but the magnitude and volume of substantive mistakes in some instances – a pool work issue more than anything else. Furthermore, this switch in distribution would not solve the issue: Super-Es would just have a lot more work without any offsetting efficiency benefits. Rather than such a radical change, the Masthead believes that putting in place infrastructure that aids substantive editing at an earlier stage (for example, increasing rigor earlier on in the process, downscaling print writing, or simply adding capacity to the Masthead by adding EEs) would be more effective changes. Lastly, this change would make it more difficult for the Masthead to know unique author preferences leading to inefficiency downstream.

## EB.10: Pod System Pilot (Joint with Governance)

**ONLINE VOTE:** 31-22 [**Went to Live Vote**]

**LIVE VOTE:** 35-19 [Amended and **Passed**]

**AMENDED TEXT (ADOPTED):** The MEO, MEP, and Supervising Chair shall work together to design and implement a pilot program to experiment with a pod system. Under the pod system, a (or several) Supervising Editors would work with the same pool workers on a given Article from Bookgrab to Subcite. (1) Under current or traditional EE-read system, the pod system would end after Subcite, and the piece would be passed to the Executive Editors for EE-read and then back into the pool for Galleys/Pages (these EEs and poolworkers would not necessarily be part of the pod). (2) Under an SE-read system, the pod system would end after SE-read, and the piece would be passed to the Executive Editors for EE-read and then back into the pool for Galleys/Pages (these EEs and poolworkers would not necessarily be part of the pod).

The goals of this pilot program shall be to (1) evaluate whether the pod system improves the quality of poolwork, (2) determine whether Supervising Editors have the capacity to do the necessary level of work under this system. Logistically, the discretion for the mechanics of the pilot (which articles to use the pod for, how many articles to use the pod for, etc.) would be left to the Managing Editors of Operation, Managing Editor of Production.

**OFFICERS:** Supervising Editors, Managing Editors of Operation, Managing Editor of Production, Strategy and Oversight Chair.

**DISCUSSION:** From the results of the transition survey, HLR editors are clearly concerned with pool worker accountability. The pod system is one proposal to enhance accountability. There are two mechanics by which pods may increase accountability: (1) Pool workers, by being part of a pod, might feel more responsible for ensuring that their work is of high quality as to not worsen the lives of their fellow pod members, and (depending on whether the “SC-Read” resolution passes) (2) Super-Es, given that they will be responsible for EE-reading the Article that they oversee the pod of, have an incentive that pool workers in the pod fix most support and characterization issues to decrease the workload of the EE-read. The survey revealed a few concerns that editors have with a potential pod system: (1) Worries about less pool flexibility, (2) Worries about not being able to read a range of Articles while doing pool work, (3) Worries about less people putting eyes on a given piece. Further comments from the discussion board: while some are skeptical of whether this initiative would be relevant if the resolution shifting EE and Super-E responsibilities fails, others are pro-pod in any circumstance. We believe this resolution to be technically possible under either numerical distribution of Super-E/EEs, but having more Super-Es might be more compatible with the pod system.

**Notes on Amendment:** The text was amended to allow for the pilot to start in the spring, before new editors are onboarded.

**Live Discussion Notes:** We discussed the importance of ensuring those in the pilot are randomly selected (not volunteers) — otherwise the data/information collection might be skewed.

# Governance Committee Resolutions

## Governance

Samar Ahmad (chair)

Chandler Rankin

Lainey Newman

Andrew Moreira

Daniel Brickhill

Sophie Li

## Gov.01: Creating a transparent system for editor accountability

**ONLINE VOTE:** 34-19 [**Went to Live Vote**]

**LIVE VOTE:** 41-12 [Amended and **Passed**]

**AMENDED TEXT (ADOPTED):** Volume 139 of the Harvard Law Review hereby resolves that any Notes Editor, Articles Editor, Executive Editor, or Supervisory Editor who receives grossly negligent poolwork may, following consultation with and approval from, the Notes Chairs, Articles Chairs, Managing Editor of Publication, or Supervising Chair, respectively, refer the offending editor to the Managing Editor of Operations. This referral shall be invalid unless it is done in writing and explains why the poolwork was grossly negligent.

Gross negligence is defined as: 1) failing to submit the pool work by the deadline without a reasonable explanation; 2) a submission with almost no comments on an assignment where the reviewing editor determines over 30 additional errors were missed that a lower volume editor in their first few months in the pool would have caught; or 3) a submission with a majority of comments that are rude or lack any explanation for complex edits, such as substantiation or characterization.

Following the first referral, the Managing Editor of Operations shall meet individually with the editor and inform them about the consequences of submitting poor poolwork; but no greater punishment than that warning shall be made at this stage. Following a second referral, the editor shall be unable to propose new student writing (including bidding for privileges like RTs, Notes, DEVOsS, CCs); but any of the editor's student writing currently in-progress shall not be impacted by this second referral. Following a third referral, the Managing Editor of Operations shall (1) revoke any of the editor's outstanding bank days, (2) prohibit them from earning future bank days, and (3) dissolve any of the editor's student writing currently in-progress. In extreme circumstances, Volume 139 endorses use of the Big Five's powers to the fullest extent allowed under the constitution to ensure all members of the body meaningfully contribute to HLR.

Following 15 successful assignments, a strike shall be removed. A "successful assignment" is one where no referral is made.

An editor has the right to appeal any referral, and the exclusive authority to hear such appeals, and nullify any referral, shall be vested in the Disciplinary Committee; but the Committee shall not nullify a referral without good cause. In determining whether there is good cause, the Committee may consider evidence that the editor's work has improved significantly following a referral.

Special circumstances—lower volume August and early September poolwork: The upper volume shall operate under the strong presumption that referrals will not be made against lower volume editors prior to the completion of in-person orientation in September. During this period, referrals shall not be made in the first instance of grossly negligent poolwork. Constructive feedback is strongly encouraged at these stages.

The President, in consultation with the Big 5, may promulgate more specific guidelines to execute, but not deviate from, the framework outlined in this resolution. Volume 139 encourages the incoming Big 5 to use this opportunity to set more specific editorial standards for what kind of poolwork qualifies as grossly negligent. Volume 139 further notes that this resolution's purpose is not to punish editors who make mistakes while putting in a good-faith effort, nor punish editors who experience extenuating emergencies beyond their control.

**OFFICERS:** All

**DISCUSSION:** Several responses in the Transition Survey identified editor accountability as a serious problem. See p. 71 (56% of editors ranked the issue as either a 4 or 5 on a five-point scale). There appears to be widespread concern that HLR is plagued by a free-rider problem, with certain editors taking advantage of our premier publishing opportunities without putting the work in on the editing side. There also appears to be support for divesting the worst offenders of student writing opportunities. But our current ad-hoc disciplinary system is ill-equipped to solve this problem. It does not set clear expectations, lacks transparency, and places too high of a personal burden on the MEO. To instill a greater sense of accountability in editors, the Governance Committee therefore proposes a transparent and generally applicable three-step process for addressing grossly negligent poolwork. We believe this new framework will have two primary benefits. First, it will decrease MEO discretion over punishments, which we have heard is an awkward, personal, and painful process. Second, it will put potential violators on clear notice of the consequences for neglecting their editorial duties. Our hope is that no editors receive three referrals.

**Notes on Amendments:** The text was amended during live voting to specify gross negligence, add a system for strike removal, and allow for flexible remedies by the Big 5 in case of 3 referrals.

Gov.02: Commitment from presidential candidates

**ONLINE VOTE:** 28-25 [**Went to Live Vote**]

**LIVE VOTE:** 40-12 [**Passed**]

**TEXT:** All candidates for Vol. 139 President should express an interest in becoming Executive Editors or Supervising Editors, should they not be chosen for any elected positions. In the Medical Match, the Vol. 139 President, Vice Presidents, and Managing Editors should prioritize the placement of presidential candidates into these positions, so long as there is an insufficient number of volunteers to fill those positions.

**OFFICERS:** President, Vice Presidents, Managing Editors

**DISCUSSION:** While the position of President carries a reputed title, it also involves substantial obligations and a commitment to the work of the Law Review. Accordingly, candidates for President should be committed to HLR as an organization and willing to make it a priority. Seeing that the time commitments of the Executive Editor position resemble those of the President in ways that other upper volume positions do not — and that any member of the lower volume can learn the Executive Editor Role — candidates for President should be prepared to accept an Executive Editor role in the scenario that they are not elected to another position throughout the live and online voting period. That is, anyone who loses the presidential election does not automatically become an EE or Super-E. Rather, should there be a shortage of interest in those positions, presidential candidates not elected to any other position will be presumptively considered by the Big Five for the Executive Editor role. Of course, the Big Five has the ultimate discretion on whether that presumption is overcome by countervailing factors. Finally, this resolution is not intended to punish candidates or frame technical editing positions as undesirable — it is motivated by the recognition that editors should be committed to HLR should they choose to run for President.

**Live Discussion Note:** It was discussed that this merely means Presidential candidates must express interest in being EE or Super-E at Medical Match, if they are not elected to a dropdown position. The Big Five, as always, has discretion to slot people into positions based on poolwork.

### Gov.03: Offering editors course credit for HLR work

**ONLINE VOTE:** 44-9 [**Passed**]

**TEXT:** Volume 139 of the Harvard Law Review hereby resolves to amend the Constitution to allow editors to be compensated by course credit. Execution of this Resolution shall be led by the creation of a standing Editor Compensation Committee, consisting of the President, as chair, the Vice President/Treasurer, the Strategy & Oversight Chair, and two additional representatives, one of whom shall be from the lower volume. Execution of this Resolution is contingent on sign-off from the Board of Trustees and approval by the Harvard Law School Registrar. The Editor Compensation Committee shall be in charge of communications and negotiations with both entities.

The formal process for amending the Constitution shall occur in Spring 2025 with the goal of initiating opt-in course credit compensation for editors in Fall 2025. This Resolution shall not preclude future volumes from pursuing additional forms of editor compensation.

**OFFICERS:** President, VPT, SOC

**DISCUSSION:** This resolution would establish a standing Editor Compensation Committee, which shall implement course credit compensation and also explore other ways to compensate editors for the work they perform for HLR. In the interest of placing HLR on similar footing as the other longstanding honors societies at this law school — and law reviews at peer law schools — the Governance Committee proposes allowing editors to receive course credit for HLR work. Pursuant to this resolution, students on HLR shall have the option of receiving some amount of upper-class course credit (number of credits to be negotiated with the Board and Registrar) for their work on HLR during semesters in which they serve as editors in good standing. We recognize the Board has historically been recalcitrant about compensation, but this resolution represents the widespread view of the body that it is appropriate to allow editors to use HLR to offset upper-class credit requirements.

#### Gov.04: In-person voting for Online Co-Chairs

**ONLINE VOTE:** 40-13 [**Passed**]

**TEXT:** The Online Co-Chairs must be elected through in-person voting.

**OFFICERS:** President, Online Co-Chairs.

**DISCUSSION:** The Online Co-Chairs wield much discretion. Specifically, they solicit hundreds of pages of content with no oversight. Other editors check the Co-Chairs' power ex ante via those other editors' votes for candidates. Currently, that election occurs through online voting. To strengthen the electoral check on the Online Co-Chairs' discretion, this resolution requires that voting for the Co-Chairs must take place in-person. Live voting would enhance voting editors' ability to discuss candidates for Online Co-Chair positions, thereby contributing to the vetting of the individuals in whom discretion will be vested. Note that this proposal does not substantively limit the Online Co-Chairs' discretion. Moreover, when voting for this resolution and during live elections, editors should consider the fact that passing this resolution would extend live voting.

#### Gov.05: Reenvisioning the SOC's role and designating a Notes Editor as a Fellowship Notes Editor

**ONLINE VOTE:** 37-16 for Option 1 [**Passed**]

**Transition Chair Note:** The text of the resolution has been edited slightly to reflect the version of the resolution that passed and shall be implemented.

**TEXT:** Certain HLR Fellowship-related responsibilities shall be assigned to a Notes Editor (the “Fellowship Notes Editor”). The Fellowship Notes Editor shall be selected through medical match. The Fellowship Notes Editor shall be responsible for the following administrative and editorial responsibilities:

- (1) Administrative Responsibilities (transfers from SOC to FNE): Coordinating the HLR Fellowship application process (sending emails; scheduling; redacting applications) and maintaining communications with fellows during their fellowship year; and/or
- (2) Editorial Responsibilities (some are added, some transfer from Notes Editors to FNE): Centralize editorial responsibilities with an FNE rather than disperse them among the notes committee. Also, add two editing steps for liaising with fellows in the publication pipeline. Liaising with fellows in the publication pipeline shall include (1) engagement on a 500-word proposal in December and (2) feedback on the T&O.

The SOC shall dedicate a corresponding increase of their time to working on short- and long-term strategic initiatives with the Big Five. These initiatives may include overseeing the design and implementation of a pod system; negotiating editorial compensation; and researching the use of generative AI and AI detection software.

The Fellowship Notes Editor shall receive a corresponding decrease in their other responsibilities, especially during peak seasons.

**OFFICERS:** SOC, Notes Editor

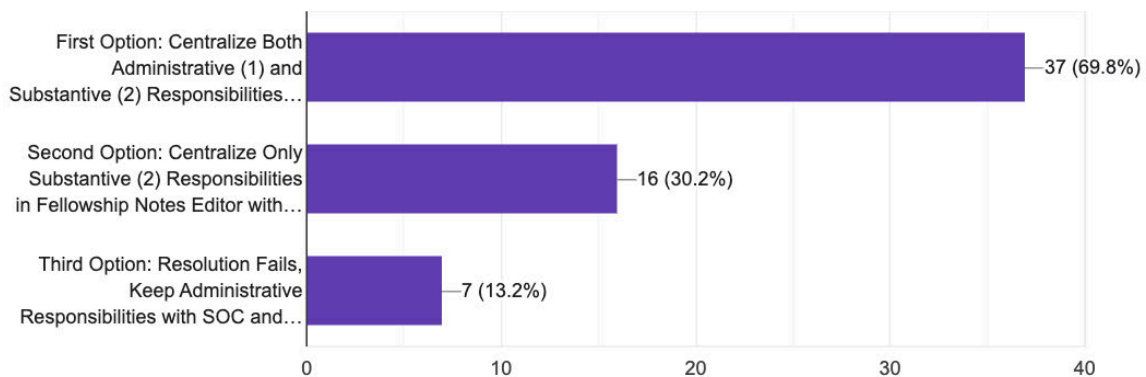
**DISCUSSION:** Currently, the SOC does mostly administrative work, rather than strategy and oversight. The SOC’s two main responsibilities are organizing Transition Kick-Off and administering the fellowship. Fellowship administration, including coordinating the application and interview process, is a time-consuming role. This is especially the case from November to January, which coincides with Transition Kick-Off. We recommend that fellowship administration, alongside an editorial role (discussed below), should be shifted to a Notes Editor. If this work is taken off the SOC’s plate, they would be able to work on other projects and strategic initiatives with the Big Five.

Independent of fellowship administration, fellows tend to have an isolated writing experience, and they receive no feedback from their Notes Editor until they turn in a first draft. It may be helpful, then, to designate a Notes Editor to also be in charge of the writing component of the fellowship, acting like the Notes Chair for the fellows. Centralizing responsibilities for fellowship administration and writing may improve the quality of the pieces at an earlier stage and ensure that deadlines are appropriately enforced. Each year, there are 3 fellows writing either a note-length forum piece, a 5,000-word forum essay and a blog essay, or a 3-blog-post series. The rounds of feedback that would

be added are (1) engagement on a 500-word proposal in December and (2) feedback on the T&O. This would be the equivalent of 4-5 student notes. In light of these responsibilities, the Fellowship Notes Editor would only have half the capacity of a regular Notes Editor, at least from November to January. The Fellowship Notes Editor would work on fewer student pieces accordingly.

There are several benefits to this new role. Collaborating closely with young public interest practitioners throughout the year will enable the Fellowship Notes Editor to make connections and learn about public interest careers. At the time of med match, the lower volume will already be aware of the fellows and their placements, so the Fellowship Notes Editor could get to focus on areas of interest to them.

The Committee discussed whether more writing support is necessary for the fellows, and whether it is possible to increase the quality of submissions without increasing editor workload. The current SOC unquestionably thinks that more engagement with Notes Editors is the answer to fellowship writing quality, and they do not think that more editorial engagement is a big lift given that it only adds two rounds of engagement/feedback. If there are concerns regarding the feasibility of implementation, the details can be figured out after Transition (Dallas' comments on the Google Doc captures a lot of this, and we encourage you all to take a look!).



## Gov.06: Increasing the number of EEs (joint with Editing & Bluebook Committee)

**LIVE VOTE:** Results from Final Round of Ranked Choice Voting ([Linked Here](#))

**Add 1 EE:** 32 Votes [**Passed**]

**Add 2 EEs:** 21 Votes [**Failed**]

**Transition Chair Note:** This resolution did not appear on the online survey because it was contingent on another resolution (EB.08, Return to the Traditional EE-Read System) passing. Once that passed, we conducted a ranked choice vote at live deliberations.

**TEXT:** Effective immediately, the number of Executive Editors shall be increased by 1 or 2 (to a total of 11 or 12). In either scenario, the number of Notes Editors shall be decreased by 1. If the number of Executive Editors increases by 2, the number of officers in one of the following positions shall also be decreased by one: (1) Articles Committee; (2) Bluebook Chairs (during a non-Bluebook publication year). Whether the second editor shall be pulled from Articles or Bluebook is up to the discretion of the Big 5 during Medical Match, taking into account some of the considerations discussed below.

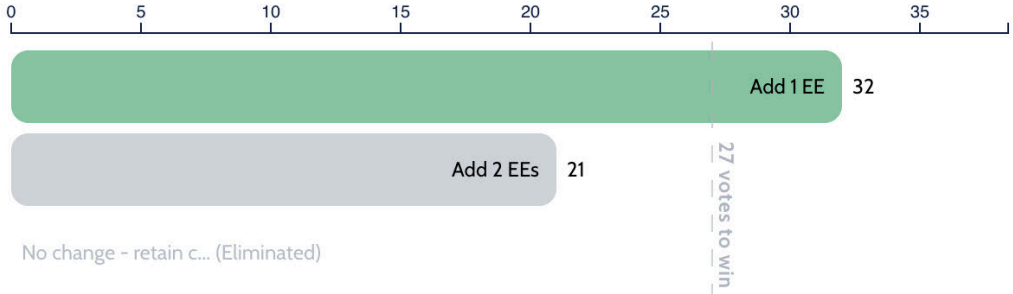
**DISCUSSION:** Being an EE is a heavy lift. One way to alleviate the burden of the role is to increase the number of people doing it. Consultation with a Notes Co-Chair, the President, the Articles Co-Chairs, and the Bluebook Chairs suggests that the part of the Law Review best able to spare an officer is the Notes Committee. Specifically, while last year's transition resolutions decreased the workload of the Notes Committee because Volume 137 found it unsustainable, one Co-Chair reported that the Notes Committee's workload could still be manageable with one fewer editor.

Additionally, consultation with the Masthead suggests that an EE's workload would be more manageable if there were at least two more EEs. Consultation with the Articles Chairs suggests that decreasing the size of the Articles Committee might be feasible during the summer or fall, but not during the spring, where the bulk of the workload is concentrated. The Articles Chairs explained that having one Vol. 138 AE be a transfer student worked well to address this need. This is an example of a consideration that the Big 5 can take into account during Medical Match. Separately, the Bluebook Chairs expressed that while having just one Bluebook Chair during a non-publication year may be possible, it will come at the cost of (among other things) capacity to make strategic improvements on top of the Bluebook's day-to-day maintenance. Note also that even though Volume 139 will not be in charge of crafting an entirely new edition of the Bluebook, it will still need to handle various roll-out responsibilities. (The Articles and Bluebook Chairs' input can be found in full in the Historian's Notes for the Governance Committee.)

If the number of EEs increases by 2, this resolution involves consulting with Jennifer as soon as possible about how to add an extra computer to the Masthead Office (or a bigger rethink of where to relocate the Masthead to comfortably fit 12 people). The Masthead Office currently has 11 stations.

# Round 2 of 2

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# Membership Committee Resolutions

## Membership:

Kieran Murphy (chair)

Dina Kuttab

Sabrina Conza

Regina De Nigris

Thomas Alvarez

Josh Grambow

Hugh O'Neil

## Mem.01: Addressing Use of AI in the Writing Competition

**ONLINE VOTE:** 46-7 [**Passed**]

**TEXT:** Going forward, the Vice President & Treasurer must solicit editors' input and come up with a strategy to address the use of AI in the Writing Competition (e.g. inputting white text into competition PDFs that only AI can read; using AI detection software, emphasizing penalties for the use of AI, etc.) and provide an update about their finalized plan to the body by the first week of March.

**OFFICERS:** VP/T

**DISCUSSION:** Per the survey results, the body expressed concern about the use of AI in the Writing Competition. In discussions with Vol. 138 Vice President & Treasurer Jaime Miguel El-Koury, the Membership Committee learned the status quo of how the Writing Competition generally addresses the use of AI. For example, as of May 2024, AI detection software was deemed inadequate for effective use in the 2024 Writing Competition. VP/T El-Koury also communicated that any structural changes to the Competition should be completed by early March. Additionally, given the ever changing nature of the issue, flexibility and discretion is necessary. Therefore, this resolution seeks to instruct the VP/T to investigate current and future solutions to the use of AI during the Competition and share their strategy with the body in a timely manner.

Editor comments indicate that there is some support for this resolution, but editors want to ensure that methods implemented do not disproportionately disadvantage students of color, students with disabilities, and students whose first language is not English. Additionally, one editor expressed concern about the quick timeline of a report in early March. The committee chose this timeline because of the late-March and April timeline for developing the competition.

## Mem.02: Additional Emphasis on AI Use During Writing Competition

**ONLINE VOTE:** 51-2 [**Passed**]

**TEXT:** The AI section of the current competition instructions says [“Any and all use of artificial intelligence (AI) — including, but not limited to, large language models, chatbots (e.g., ChatGPT), AI-driven legal research tools, and automated content generation software — is expressly forbidden and any violation of this policy will be reported to the Administrative Board of the Law School, which will consider the issue a matter of academic misconduct.”]. Going forward, this instruction should be bolded, made red, and placed more prominently within the Writing Competition instructions.

**OFFICERS:** VP/T

**DISCUSSION:** The body expressed concern about the use of AI in the Writing Competition. The Membership Committee concluded that there is little the VP/T or anyone else can do to directly and effectively prevent AI use. The most effective tool at our disposal is deterrence and clear instructions. This Resolution seeks to provide a means to emphasize and clarify the seriousness with which the Law Review takes use of AI in the Writing Competition.

Editor comments indicate that editors overwhelmingly support this resolution to ensure clarity that AI is not allowed in the competition and to strengthen the threat of using AI.

## Mem.03: AI Case Comment Randomized Control Trial

**ONLINE VOTE:** 40-13 [**Passed**]

**TEXT:** In the Volume 140 write-on competition, the Vice President/Treasurer will create and include one AI-generated and human-edited case comment together with all regular submissions. It will be treated as a legitimate case comment for the entire grading process, and no editor beyond the VP/T shall be made aware that it is AI-generated. It will be de-anonymized and removed from the competition only after the full grading process is complete, including score reconciliation if necessary. The Vice President/Treasurer shall report back to the body on its performance, including but not limited to its overall grade and grade percentile, within two weeks of the completion of write-on grading.

**OFFICERS:** VP/T

**DISCUSSION:** HLR editors have expressed concerns about the use of AI in the writing competition. Much remains unknown about this topic, and the committee thought especially salient questions were how an AI-user would perform in the writing competition and how proficient potential AI-detection measures would be. This RCT is designed to provide an opportunity for HLR to test the ability of AI to succeed at write-on and the efficacy of AI detection methods.

Regarding score reconciliation: during write-on, if a case comment receives wildly disparate scores from the editors tasked with grading it, the scores are reconciled through a review of the comment by the President. This resolution is worded to clarify that the AI-generated comment should proceed through the totality of the grading process before being de-anonymized.

Editor comments indicate that editors are broadly supportive of this resolution but want to ensure that it is not adding more work for little pay off. Additionally, one editor expressed that we should also run the AI case comment through detection software to see if the software can tell it was written by AI.

## Mem.04: Write-On Fair Competition Report

**ONLINE VOTE:** 45-8 [**Passed**]

**TEXT:** For the Volume 140 Writing Competition, the Vice President & Treasurer shall explore the feasibility of including anti-cheating measures and other academic dishonesty deterrents. The Vice President & Treasurer shall then compile a report on his or her findings that includes a plan to implement reasonable fairness measures. This report shall be shared with the body for notice and comment by March 7, 2025.

Potential measures and deterrents may include implementing distinct versions of the subcite, mandatory reporting for write-on rule violations, and emphasizing academic honesty at information sessions.

**OFFICERS:** VP/T

**DISCUSSION:** HLR editors have expressed concerns about cheating during write-on. Because of the multiplicity of anti-cheating measures and deterrents available, the committee agreed that affording the Vice President & Treasurer discretion will lead to the best results. This resolution is designed to result in the most reasonable measures available are both found and implemented for Volume 140's Writing Competition.

Editor comments on the proposed resolution indicate that faculty at HLS are also forming a committee to address AI, though this resolution is meant to implement other anti-cheating measures in addition to those solely addressing AI. One editor indicated that one anti-cheating measure could be to make the packets for the case comment smaller so that editors can look more closely for signs of academic dishonesty.

## Mem.05: Increasing the Number of Editors That Join the Lower Volume by 1/2/3/4

**ONLINE VOTE:** 35-18 [**Went to Live Vote**]

**LIVE VOTE:** 25-29 [**Failed**] ([see full RCV](#))

**TEXT:** Going forward, the number of editors on the lower volume shall be 55/56/57/58. If the number of editors joining the lower volume is increased, the manner in which these spots are allocated (i.e., grade-on, write-on, and holistic review) will be determined at live voting.

**OFFICERS:** President, VP/T, VP/CDO, MEO

**DISCUSSION:** Currently, the number of editors that join HLR's lower volume is 54. Because each incoming HLS class is approximately 560 students, HLR invites 9.6% of 1L students to become editors, whereas peer journals such as YLJ and SLR each invite over 30% of 1L students to join their journals. This resolution proposes to make HLR's membership closer to that of peer journals, which would share career and community benefits with more HLS students. In the transition survey, some editors noted that this proposal would increase poolwork for student writing and negatively impact community and HLR's ability to act collectively. The number of 1L editors was last increased during Vol. 137's transition, when it was raised from 50 to 54. The number of 1L editors was also increased during Vol. 136's transition, when it was raised from 48 to 50.

Editors who commented seem in support of adding more editors to HLR. They express that it would allow for more EEs and for an expanded Supreme Court team. Editors also acknowledge that it would be easier to increase the size of the body if we decreased opportunities for student writing per editor. An editor flagged that we are one of the smaller law reviews by membership and percentage of the student body.



## Mem.06: Rewarding Proper Structure on Write-On Subcite

**ONLINE VOTE:** 52-1 [**Passed**]

**TEXT:** As the Writing Competition subcite is currently graded, competition takers receive points *only* for providing a correct answer in <brackets> and for highlighting the correct text. There is no specified option for graders to give points when a competition taker includes a correct explanation for their answer. Similarly, there is no specified option for graders to dock points when a competition taker does not provide an explanation at all. Thus, a competition taker would get full points for including a correct answer in <brackets> without including an explanation for why that answer was correct. To ensure clarity, we have provided a screenshot of a portion of a grading spreadsheet below.

In addition to giving points for the correct suggestion and highlighting, the Vice President & Treasurer shall give mandatory points specifically for providing an appropriate rule explanation. If this resolution passes, the VP/T shall make a final decision about the relative worth of a rule explanation after receiving input from the body. This decision shall be made by March 7, 2025, and the VP/T shall provide an update about their finalized plan to the body by this time.

**OFFICERS:** Vice President & Treasurer

**DISCUSSION:** Adding additional points for providing a correct explanation is meant to ensure that the competition takers who perform well on the subcite and end up joining the Harvard Law Review are prepared to provide explanations on their HLR work once they are editors. It is also

meant to reward following directions, as those who do not provide explanations — which is required per the writing competition instructions — would be penalized.

Commenting editors seemed to support this resolution and many in Vol. 139 believed this was already part of the grading, which members of the committee also believed before learning otherwise.

## Mem.07: Rejection of Candidates with Low Writing Competition Scores

**ONLINE VOTE:** 25-28 [**Went to Live Vote**]

**LIVE VOTE:** 8-45 [**Failed**]

**TEXT:** This resolution reaffirms the rebuttable presumption, originally adopted during Volume 133's Transition, that candidates whose Writing Competition score and grades both fall below the median of competition takers shall be rejected by the holistic review committee (HRC). Going forward, the HRC must also reject any candidate whose Writing Competition score is one or more standard deviation below the median score of competition takers.

**OFFICERS:** President, VP/T

**DISCUSSION:** Currently, there is a rebuttable presumption that the holistic review committee will reject candidates whose score and grades both fall below the median. This adds an additional mandatory requirement that the HRC reject any candidate if their competition score is one or more standard deviation below the median score of competition takers. The purpose of the resolution is to ensure a high quality of selected candidates while continuing to give the HRC discretion.

Commenting editors seemed concerned that this resolution could be a solution in search of a problem. Most commenting editors seemed supportive of this resolution if it represents a rebuttable presumption but not if it is a mandatory limit on the discretion of the Holistic Review Committee.

## Mem.08: Increasing the size of the Holistic Review Committee by 2/4

**ONLINE VOTE:** 19-34 [**Went to Live Vote**]

**LIVE VOTE:** 9-45 [**Failed**] ([see full RCV](#))

**TEXT:** Currently, the Holistic Review Committee is made up of the President and two members selected by the President. Going forward, the size of the Committee shall be increased by 2/4 members (raising the total Committee size to 5/7).

**OFFICERS:** President, Holistic Review Committee.

**DISCUSSION:** Half of the Body expressed an interest in increasing the number of people involved in holistic review selection, showing there is room for discussion regarding the Committee's current

size. These proposals increase the size of the Committee by two to maintain the current structure that prevents a tie. Additionally, 08.A includes the language regarding an increase of “at least” 2 additional members to address failed votes from previous transitions where a majority of the Body supported changes in membership, but no individual number received a majority’s support.

Members of the Holistic Review Committee and other commenting editors expressed concern that adding new members to the committee could decrease the confidentiality of students’ personal information. Additionally, members of the HRC expressed concern that this resolution could cause delays in accepting the new volume.



## Mem.09: Altering Presidential control over Holistic Review Committee nominations

**ONLINE VOTE:** 17-36 [**Failed**]

**TEXT:** Currently, the President has the sole responsibility for choosing who will be on the Holistic Review Committee. Going forward, control of who is nominated to the HRC shall be controlled either by random selection with an opt-out procedure or random selection from the Big Five.

09.1 The spots on the Holistic Review Committee shall be allocated through random selection from the body. Body members shall be able to opt out of this random selection.

09.2. The spots on the Holistic Review Committee shall be allocated through random selection from the Big 5.

**OFFICERS:** President, VP/T, VP/CDO, MEO, MEP, Holistic Review Committee.

**DISCUSSION:** 56.3% of the Body expressed an interest in the President's continued responsibility for selecting who is on the Committee. However, several editors expressed an interest in either random selection or the Big Five playing a more active role.

Members of the Holistic Review Committee expressed that they believe the president must select the members of the committee for practical logistical reasons, like coordinating a weekend to make decisions on who to invite to join HLR. They also expressed that Vol. 139 should elect a president who they trust to make such decisions.

## Mem.10: Prohibiting Transfer Students from Taking the Writing Competition as 2Ls

**ONLINE VOTE:** 13-40 [**Failed**]

**TEXT:** Transfer students shall not be allowed to write-on as rising 2Ls, i.e., as they transfer to HLS. Transfer students may only participate in the Writing Competition as rising 3Ls. The *HLR* website shall be updated to reflect this policy.

**OFFICERS:** VP/T, VP/CDO

**DISCUSSION:** This resolution addresses the current system that presents transferring 2Ls with a very difficult choice: write-on or do not write-on. A few things to note: 1) Write-on is before transfer students know they got into HLS, meaning we may be grading submissions of students who are not even admitted to HLS. That is an unnecessary burden on us; 2) Transferring students have access to videos of tip sessions on YouTube but are not able to ask questions (because they are just watching the tips session after) and are not privy to 1:1 discussions with current *HLR* members (such as participating in coffee chats that *HLR* sponsors in the spring); 3) If a transfer student attempts write-on as a rising 2L, they are precluded from participating as a rising 3L; 4) transfer students have zero insight into the norm here, i.e., if transfer students generally attempt write-on as rising 2Ls or as rising 3Ls. Together, all of this means that transferring students are in a massive state of uncertainty that may persuade some of them to attempt write on before they even get into HLS. To the current transfers' knowledge (Ben, Lisa, and Lainey), there has never been a successful 2L transfer write-on. As a result, this difficult choice, driven by uncertainty, means transferring 2Ls who attempt write-on shoot themselves in the foot and foreclose their opportunity to join as 3Ls.

Commenting editors and Jennifer expressed some concern about excluding transfers who want to participate in the competition after their 1L year because they often reach out about wanting to take the competition. The Vol. 139 transfer students, however, are concerned that just about no rising 2L transfers are invited to join the journal because the rising 3L transfers do better on the competition. A compromise was suggested where the language on the website is changed to urge transfer students to not take the competition until after their 2L year because of the likelihood that they will not be invited to join HLR.

## Mem.11: Encouraging Transfers Not to Write-On as Rising 2Ls

**ONLINE VOTE:** 43-10 [**Passed**]

**TEXT:** The Vice President & Treasurer shall, in their discretion, make the language encouraging students to wait until the summer after their 2L year to participate in the write-on competition more forceful both on the website and in all communications with transfer students about the competition. **NOTE:** This resolution will be considered only if the previous resolution does not pass.

**OFFICERS:** VP/T

**DISCUSSION:** This resolution addresses concerns by the Vol. 139 transfer students that law students hoping to transfer to HLS feel pressure to participate in multiple write-on competitions because the deadline is before students find out if they have been admitted. This resolution would allow students to participate if they really want to but would make clear to students that they are very likely to not be invited to join HLR and that we strongly encourage them to wait until the summer after their 2L year to participate in the write-on competition.

## Mem.12: Reaffirming the Parameters of Holistic Review

**ONLINE VOTE:** 33-20 [**Went to Live Vote**]

**LIVE VOTE:** 21-33 [**Failed**]

**TEXT:** The Holistic Review Committee may consider only three factors when evaluating a candidate: Writing Competition score, 1L grades, and expository statement.

**OFFICERS:** HRC

**DISCUSSION:** This resolution is meant to reaffirm what the Membership Committee understands to be the current parameters of holistic review. The Committee respects that HRC is meant to be a black box and that preserving HRC anonymity and discretion is important. It is the Committee's understanding that HRC already abides by these parameters. This resolution arose as a result of the Committee being unable to find any written instruction available to the body that HRC may consider only those three factors. This resolution is meant to affirm that in writing by a vote of the body.

# Online Committee Resolutions

## Online

Derrick Wang (chair)

Shanee Kay

Aliyah George

Amy Eisenstein

Ben Kane

Russell Guertin

## On.01: Clarifying the function of the Forum and Blog

**ONLINE VOTE:** 48-5 [**Passed**]

**TEXT:** The Online Chairs shall formulate a mission and strategy for HLR's online publications, the Forum and the Blog, consistent with Vol. 138 Transition Resolution OL.02. This mission and strategy should take into account the distinct characteristics of the Forum and Blog:

The Forum is the online companion to the print publication and publishes Responses to print articles, Essays, Commentaries, and Book Reviews, traditionally by outside authors. Forum pieces are comparable to print pieces but are shorter and receive less editing than print articles. Forum pieces can be solicited or submitted.

The Blog publishes Essays by outside authors and HLR editors, including Recent Things. Blog pieces are short, receive less editing than both print and Forum pieces, and use hyperlink sourcing. Blog pieces can be solicited or submitted.

**OFFICERS:** Online Chairs

**DISCUSSION:** Vol. 138 Transition Resolution OL.02 outlined four broad goals for online content: (1) engaging with a broad audience, (2) publicizing live debate, (3) responding to developments, and (4) maintaining the quality of writing and analysis. This resolution reaffirms those broad objectives.

Furthermore, based on the survey responses, the mission of HLR's online platforms and the difference between the Forum and the Blog were unclear to many editors. This resolution is intended to educate editors about the primary content formats published on each platform while retaining the Online Chairs' discretion to determine the overall mission and content mix of HLR's online channels. Editors generally expressed support.

## On.02: Updating Whitebook guidance for online editing

**ONLINE VOTE:** 50-3 [**Passed**]

**TEXT:** The Online Chairs shall update the Whitebook to reflect the current editing standards for online pieces. Primarily, the Whitebook should be revised to eliminate the stipulation that “editorial standards for Blog pieces are the same as those for print,” as this is inconsistent with how Blog pieces are actually edited.

**OFFICERS:** Online Chairs / MEO.

**DISCUSSION:** This suggestion was raised by the Vol. 138 Online chairs and resonated with the committee. While it remains important that Blog and other online pieces have high editorial quality, it is not the case that Blog pieces are edited to the same standards as print pieces. For example, it often doesn’t make sense to hyperlink to the same sources multiple times in the same piece, whereas a print piece would typically require the use of “id.” or “supra.” The stylistic requirements of Blog essays (which are shorter and more informal) and the use of hyperlinking necessitates a different editorial approach from print pieces. The Chairs should also consider more detailed guidance generally for online pieces, as editors are less familiar with HLR’s online content.

### On.03: Encouraging more student writing on the Blog and editor input in the online publication cycle

**ONLINE VOTE:** 45-8 [**Passed**]

**TEXT:** The Online Chairs will send a monthly email (or more often as they deem necessary) to all HLR editors with two updates on the online publication cycle.

Provide updates on the Online Chairs’ plans for (1) what types of pieces they plan to solicit in the coming months and (2) what criteria they are prioritizing in screening submitted pieces. The email should invite HLR editors to reach out with thoughts and concerns as the Online Chairs solidify these plans. Provide a brief round-up of some interesting Circuit or State cases that the Online Chairs think might be well-suited to become an online student Blog piece.

**OFFICERS:** Online Chairs

**DISCUSSION:** This resolution is meant to address two concerns that came up in the survey, in the Transition Committee, and in conversation with current Online Chairs. The first concern is that by the time the Online Chairs get feedback on solicited pieces or accepted submitted pieces in either the Forum or the Blog, it is too late in the publication process to really affect the direction of things. By sending an email with their priorities prior to making some of these decisions, Online Chairs can hear from membership more upstream. Second, there was a concern that, often, HLR editors who may be interested in writing for the Blog may not know what the needs of the Blog are or have a good RT in mind. By circulating some ideas to membership (and promoting subject-areas that the Online Chairs think are under-represented on the Blog), the Online Chairs can generate more and better content for the Blog than if just relying on editors to proactively provide pitches for online RTs.

Discussion posts were supportive of this idea, especially the second suggestion. However, some concerns were raised about the Online Chairs' capacity to write up case summaries themselves, given their other responsibilities. The Online Chairs may consider utilizing poolworkers (to the extent available) to assist with case summaries.

#### On.04: Eliminating pool credit for online student writing

**ONLINE VOTE:** 33-20 [**Went to Live Vote**]

**LIVE VOTE:** 39-13 [**Passed**]

**TEXT:** Student authors shall not be awarded pool credit for publishing on the Blog or the Forum.

**OFFICERS:** MEO / Online Chairs

**DISCUSSION:** Although students can technically receive pool credit for writing on the blog / forum, this has not been the practice of the current Online Chairs. This resolution is just formalizing the current practice. There has been a ton of student writing online this year, and it is clear that we do not need the pool credit carrot. Additionally, this eases the administrative strain for the MEO / Online Chairs. Some editors expressed concern about the disparity with in-print student writing, for which bank days are given.

#### On.05: Engaging HLR's social media channels

**ONLINE VOTE:** 40-13 [**Passed**]

**TEXT:** The Online Chairs shall post on X a link to and short description of each HLR piece written by an outside author and published in print within one month of print publication. The Online Chairs are encouraged to promote other published HLR content on X at their discretion.

**OFFICERS:** Online Chairs

**DISCUSSION:** This resolution emerged through discussion with the current Online Chairs and within our committee. We offered a variety of options for increasing our social media presence on the Transition survey, including tweeting original content, links to published content, and engagement with legal scholars on the platform. Links to published content received the most support, and this resolution was drafted to both establish a baseline of social media engagement and encourage further development of our online presence. Some editors expressed that this should be limited to outside author pieces only and not student writing.

#### On.06: Restoring list of editors to HLR's website

**ONLINE VOTE:** 47-6 [**Passed**]

**TEXT:** The Board of Editors webpage, containing the lists of current and past editors, should be restored on the HLR website (harvardlawreview.org). Editors who wish to take their names off the list may opt out by communicating to the Big Five and website administrator..

**OFFICERS:** Big Five / HLR website administrator.

**DISCUSSION:** Traditionally, harvardlawreview.org/board-of-editors/ featured a list of current editors, as well as archives of previous volume editors. It is the committee's understanding that the list was removed last year amid concerns about doxxing. This resolution seeks to acknowledge those valid concerns while also upholding HLR's longstanding tradition. Some editors expressed that this should be opt-in instead of opt-out, while others expressed that administration had advised student groups to remove public membership lists last year. There were also questions about whether the webpage should include a disclaimer if the lists are opt-out, since they would not be comprehensive. Regarding an opt-in system, the committee felt that since the Big Five already solicit preferred names and spellings for the Board of Editors when editors first join, that would be an appropriate time to communicate that being on the list is optional for those with concerns.

## On.07: Establishing an external email listserv and newsletter

**ONLINE VOTE:** 46-7 [**Passed**]

**TEXT:** The Online Chairs shall create an email subscription option on the Harvard Law Review Blog and Forum to allow readers to subscribe and receive email notifications when pieces are published as well as a newsletter-style notification each time an issue is released.

**OFFICERS:** Online Chairs

**DISCUSSION:** HLR should adapt its online branch to become more competitive and consistent with the general outreach done by blogs. Users that would like to engage with the content produced on the Blog and Forum should be able to subscribe to receive regular updates when content is released online. Likewise, those following the work done by HLR that would like to be able to get general, longer updates should be able to receive those updates electronically. We hope that this will increase engagement with our online content and allow users to access our content more easily. The survey conducted seemed to overwhelmingly support these efforts.

# Solicited Content Committee Resolutions

## Solicited Content

Toibat Ayankunbi (chair)

Nikhita Salgame

Cordy McJunkins

Libby Messman

Jackie O'Neil

Monica Lange

## SC.01: Notice and comment period for solicited content

**ONLINE VOTE:** 47-6 [**Passed**]

**TEXT:** Online Chairs and the ABC Chair should provide 24 hours informal notice on Slack and email after obtaining approval from the President when considering solicitation of a particular external piece. Supreme Court Chairs would be excluded from this requirement.

**OFFICERS:** Online Chairs, ABC Chair, Book Reviews Chair, other editors seeking solicited content, and the President.

**DISCUSSION:** The body has indicated a desire that the solicited content chairs retain a great deal of discretion in their solicitation activities, but noted an opportunity for additional fruitful commentary by other members of the body in decisions about what content to solicit. The online chairs in Vol. 138 have modeled an informal notice-and-comment procedure on Slack, where the chairs offer for consideration author–topic pairs and invite discussion in the thread. These conversations have touched on individual potential solicitations and also the broad arc of our online forums and content. The ABC chair should adopt the same procedure. Based on editor comments, this resolution was edited to include email as an alternate notice mechanism given that a large portion of the body does not regularly check Slack.

## SC.02: The Addition of a Supreme Court Super-E

**ONLINE VOTE:** 47-6 [**Passed**]

**TEXT:** One Super-E will be designated to support the Supreme Court Chairs through the publication of the Supreme Court Issue. The President will accept volunteers for the Supreme Court Super-E, and will have the authority to appoint someone to that position if no volunteers are forthcoming. The MEO, based on a consultation with the Supreme Court Chairs, will have the authority to reduce the Supreme Court Super-E's subsequent articles load by a number intended to compensate their efforts throughout the month of August.

**OFFICERS:** Supreme Court Chairs, Super-E, President, MEO

**DISCUSSION:** Discussion with prior Supreme Court chairs and the body suggest that the main workload bottleneck for the SCOTUS issue is Super-E work on the Foreword. Opinions are mixed as to whether increasing the number of SCOTUS chairs is an efficient use of officer capacity, and the Committee feels that designating one Super-E to pick up Super-E work over the summer will most efficiently bridge the gap between Supreme Court Chair capacity and the work that must be done over the summer.

### SC.03: Eliminating the Presumption Against Big Five Statements During Foreword Selection

**ONLINE VOTE:** 48-5 [**Passed**]

**TEXT:** Eliminate presumption against statements from the Big Five and Supreme Court Chairs during Supreme Court Foreword selection.

**OFFICERS:** Big Five

**DISCUSSION:** Survey results from the body suggest that the presumption against Big Five statements at Foreword Selection is overwhelmingly unpopular. The norm against Big Five statements at Foreword Selection stifles full and open conversation, and furthermore there are few or no reports that Big Five's active role in the discussion for the Vol. 139 Foreword swayed discussion or voting disproportionately. Instead, the Supreme Court Chairs can informally express at the beginning of Foreword Selection that while the upper-volume, including the Big Five, can speak from their experience in their officer roles, the point of the Foreword selection is a democratic process where all interests are weighted equally. Based on editor comments, the text of this resolution was edited to include the Supreme Court Chairs.

### SC.04: Removing Unelected Lower Volume Members from the Foreword Selection Committee

**ONLINE VOTE:** 27-26 [**Went to Live Vote**]

**LIVE VOTE:** 17-36 [**Failed**]

**TEXT:** Eliminate the two lower-volume member positions from the Foreword Selection Committee. The Foreword Selection Committee will consist of the two Supreme Court Chairs, the President, and two Committee Chairs (DivComm and WNT).

**OFFICERS:** Supreme Court Chairs

**DISCUSSION:** The inclusion of lower-volume members in the Foreword Selection Committee was a new innovation for the Vol. 139 Foreword selection process, and survey results suggest that this innovation is considered more effort than it was worth. Concerns also circulated about the role of unrepresentative lower volume members selected by lottery (and whose identities are held secret, prohibiting any channel for these individuals to transmit the views of the volume to the Committee) on the Committee.

**Live Discussions Note:** group discussion landed on the fact that it would be helpful to have SCOTUS Chairs proactively announce the final full committee for reasons of transparency and notice.

## SC.05: Transparency in Lower Volume Perspectives Prior to Foreword Selection

**ONLINE VOTE:** 36-17 [**Passed**]

**TEXT:** The Supreme Court Chairs shall solicit via Google form — in addition to Foreword candidate nominations — broader comments on the Foreword and preferences for its substance and any other comments relevant to the Foreword. Responses to this question will be anonymized and presented in alphabetical order in a PDF document no fewer than five days before Foreword selection.

**OFFICERS:** Supreme Court Chairs

**DISCUSSION:** Lower-volume representation in the Foreword Selection committee is important. Survey results demonstrate that this can be accomplished through a notice-and-comment period similar to the Online Chairs instead of the process we had this year. Editor comments noted that perhaps the Google Form may create more noise than clarity, and that this may serve a similar role as the candidate nomination form. The committee thinks that the form may help highlight lower-volume opinions on Foreword selection.

## SC.06: Changes to the Foreword Literature Review Timeline

**ONLINE VOTE:** 44-9 [**Passed**]

**TEXT:** The Supreme Court Chairs shall circulate the Foreword nominee literature reviews no less than one week prior to the scheduled Foreword Selection Meeting. The Foreword selection meeting will take place presumptively during Week 10 of the fall semester, but the Supreme Court Chairs retain discretion regarding how to change the timeline to accommodate the literature review reading period. The Committee suggests that the window during which literature reviews are written be shortened to four days, and that the lower volume is notified during the opt-out period for the

literature review lottery that, regardless of their chosen pool days for the relevant period, if selected they must complete the literature review within that four-day period. [This differs from the current process, wherein a longer period (for Vol. 138, nine days) is allotted for literature review drafting and editors are assigned three of their preexisting pool days within that window to write the review.]

**OFFICERS:** Supreme Court Chairs

**DISCUSSION:** The survey results revealed that many editors felt they hadn't had enough time to seriously consider each of the literature reviews prior to the Foreword selection process.

## SC.07: Increased Editorial Standards for Solicited Content

**ONLINE VOTE:** 42-11 [**Passed**]

**TEXT:** When any member extends a solicitation offer to an external author, they must include a disclosure statement indicating that HLR reserves the right to forgo publishing of any work that does not meet the journal's editorial standards. Individual Chairs will have the authority to define those standards, to provide any desired detail in the disclosure statement regarding those standards, and to dissolve solicited content on the basis of those standards.

**OFFICERS:** ABC Chair, Supreme Court Chairs, Online Chairs

**DISCUSSION:** Survey results indicate a desire that editorial standards not be loosened for solicited content — that is, content should be solicited contingent on the resulting drafts meeting roughly the same standards as we expect for our submitted Articles. This expectation should be made explicit up front, and the relevant Chair(s) should retain discretion as to how to enforce this standard and whether and how to dissolve solicited content in consultation with the Big Five.

## SC.08: ABC Chair Guidance on Standards for Book Reviews, Commentaries, and Tributes

**ONLINE VOTE:** 36-17 [**Passed**]

**TEXT:** Within two months of her election, each incoming ABC Chair shall draft a brief document outlining guidelines by which the ABC Chair will act in the solicitation of book reviews, Commentaries, and tributes. Such guidelines may include standards about the frequency/volume of book reviews and Commentaries, their substance, and/or their authorship, as well as the standards the Chair will apply in determining whether and how to solicit tributes, and any other topics the ABC Chair deems appropriate. This document shall be circulated to the body for comment and discussion. The ABC Chair retains ultimate discretion with respect to updates and edits.

**OFFICERS:** ABC Chair

**DISCUSSION:** We received feedback from Volume 138 regarding present inconsistencies in the way that tributes are published—i.e. some professors with lengthy tenure have not received tributes. The survey results also indicate that many members of the body support implementing informative guidelines around the solicitation of Commentaries while leaving the ABC Chair free to exercise ultimate discretion over solicitation decisions.

## SC.09: Student Writing Collaboration

**ONLINE VOTE:** 19-34 [**Went to Live Vote**]

**LIVE VOTE:** 9-43 [**Failed**]

**TEXT:** Students within HLR are allowed to collaborate with non-HLR HLS students for HLR's online platform with the understanding that the HLR student will be responsible for ensuring that the Bluebook and substantive quality of the piece meets the standard expected by HLR. This means that the penalties associated with student writing will apply to collaborated pieces, regardless of whether all members are on HLR or not.

**OFFICERS:** All members of the body.

**DISCUSSION:** Although survey results indicated hesitation to allow non-editor HLS students to publish on HLR's online platform, there was support for allowing publishing if it was done in collaboration with at least one HLR member.

## SC.10: Consulting the ABC Chair and Articles Co-Chairs about Foreword Selection

**ONLINE VOTE:** 29-24 [**Went to Live Vote**]

**LIVE VOTE:** 36-16 [Amended and **Passed**]

**AMENDED TEXT (ADOPTED):** The SCOTUS chairs can consult the ABC Chair and the Articles Co-Chairs about Foreword Selection during the process at any time at their discretion. The ABC Chair and Articles Co-Chairs are not able to attend meetings, cannot vote, and are purely being consulted in an advisory capacity.

**OFFICERS:** Foreword Selection Committee

**DISCUSSION:** The ABC Chair and Articles Co-Chair have perhaps the best insight into up-and-coming scholars out of anyone on HLR. They are also keenly tuned into hot debates and

topics in legal scholarship. And based on the transition survey, editors generally seemed to prefer bigger committees for key content decisions like Foreword Selection.

**Notes on Amendment:** The resolution initially made all three of these individuals be voting members of the FSC, but after live discussions, an amendment was passed to change their role to purely advisory.

**Live Discussions Note:** there was a fear of “too many cooks” by making the committee too large, but the group still thought having such chairs available as resources would be helpful. The above text is the final amended version that was adopted.

# Student Writing Committee Resolutions

## Student Writing

Rafael Bichara (chair)

Aaron Baum

Nicholas Nelson

Fabrice Guyot-Sionnest

Emily Riemer

Henry Lu

Olivia Siemens

## SW.01: Dissolution Procedure A

**ONLINE VOTE:** 43-10 [**Passed**]

**TEXT:** Editors are responsible for notifying Notes Chairs when a student writing piece does not satisfy Brownbook standards. After notification, if both Notes Chairs agree that the piece may not satisfy the Brownbook standards, they will notify the Big 5 and the student writer. The student will have the opportunity to explain why their piece does not violate the Brownbook standards, or present other extenuating circumstances. Following consultation, the piece will be dissolved on a majority vote of the Big 5 and the Notes Chairs.

**OFFICERS:** Notes Chairs, Big 5

**DISCUSSION:** The Brownbook currently provides that: *“There is a rebuttable presumption of involuntary dissolution if an author misses more than one deadline without giving at least 48 hours’ notice to their Notes Editor and the Notes Chairs. A piece may also be dissolved for substantive reasons, including, but not limited to: failure to respond adequately to mandatory editorial changes, significant errors of legal reasoning or analysis at the core of the article, serious preemption concerns, or the absence of any contribution to the literature. Persistent mischaracterization of sources or failure to fully credit sources may also prevent publication.”* Despite these substantive standards, there is currently no formal process for determining when a piece should be dissolved, creating uncertainty and frustration for student authors and making it difficult for Notes Chairs to enforce existing substantive standards.

## SW.02: Dissolution Procedure B

**ONLINE VOTE:** 30-23 [**Went to Live Vote**]

**LIVE VOTE:** 6-47 [**Failed**]

**TEXT:** Notes Chairs are required to take a vote before Notes and print RTs enter the pool (i.e., substance check) as to whether the piece, on its face, presumptively satisfies the Harvard Law

Review standards for student writing embodied in the *Brownbook*. In case of a tie, the President will serve as tiebreaker.

**OFFICERS:** Notes Chairs, President

**DISCUSSION:** This procedure would address the substantive concerns described in the “Dissolution Procedure A” resolution but would subject every piece of student writing to a vote by the Notes Chairs before it enters the pool, creating a blanket standard that can help the Notes Chairs enforce dissolution without adding additional tension between editors.

During the discussion period, several commenters raised concerns about the workload that an affirmative vote on student writing pieces would place on the Notes Chairs. At the same time however, survey results indicated that most editors wanted to see dissolution being enforced more. The student writing committee believes that leaving this proposed resolution in place is the best way to fairly balance these concerns.

### SW.03: AI Guidelines for Students Writing A – Impermissible Uses of Generative AI Technology

**ONLINE VOTE:** 44-9 [**Passed**]

**TEXT:** The Brownbook will be updated to reflect the following: HLR editors will not be permitted to use prohibited generative AI technology to produce drafts of internal written work products (e.g., S-Read memos, NE memos, etc.) or produce drafts or argumentation for student writing (i.e., text that will appear in the final product). Discovery of prohibited AI use, or discovery of an egregious error produced by AI (e.g., citation to sources that do not exist, citation to sources for a proposition that they clearly do not support, plagiarism or non-attribution produced by AI, even if not done purposely by the editor) shall be grounds for involuntary dissolution of a piece, subject to standard dissolution procedures.

**OFFICERS:** Notes Chairs, Big Five, Whole Body

**DISCUSSION:** The survey responses revealed broad support for completely limiting the use of AI for drafting or creative purposes, as well as support for permitting AI for research or proofreading purposes subject to clear guidelines. This resolution would put editors on notice as to what kinds of AI will not be tolerated in the student writing process and seeks to make clear what an editor’s responsibilities are when it comes to using AI. The Student Writing Committee views this resolution and the immediately subsequent resolution — “AI Guidelines for Student Writing B” — as complementary, not mutually exclusive.

## SW.04: AI Guidelines for Student Writing B – Permissible Uses of Generative AI Technology

**ONLINE VOTE:** 47-6 [**Passed**]

**TEXT:** Editors will be permitted to use generative AI technology for research purposes (e.g., to find relevant cases or other authorities, to summarize cases or statutes), provided that editors independently verify the accuracy of the AI-produced information and assume responsibility for any errors. Discovery of prohibited AI use, or discovery of an egregious error produced by AI (e.g., citation to sources that do not exist, citation to sources for a proposition that they clearly do not support, plagiarism or non-attribution produced by AI, even if not done purposely by the editor) shall be grounds for involuntary dissolution of a piece, subject to standard dissolution procedures.

**OFFICERS:** All Editors

**DISCUSSION:** The survey responses revealed broad support for completely limiting the use of AI for generative purposes, as well as support for permitting AI for research or proofreading purposes subject to clear guidelines. This resolution would permit the use of generative AI for the latter purpose and would clarify student authors' responsibilities with respect to the use of AI. The Student Writing Committee views this resolution and the immediately preceding resolution — “AI Guidelines for Student Writing A” — as complementary, not mutually exclusive.

## SW.05: Move RTs to the Blog

**ONLINE VOTE:** 32-21 [**Went to Live Vote**]

**LIVE VOTE:** 17-35 [**Failed**]

**TEXT:** All RTs will be published on the Blog and will be subject to the Blog's editorial process. Notes Chairs will continue to supervise RTs and will be responsible for considering any other adjustments to the RT process, including considering shortening the recent-ness requirement. This resolution will take effect when Volume 139 begins its publication process, meaning that RTs will continue to be published in print subject to the current editorial process through the end of Volume 138 (i.e., up until the June 2025 issue).

**OFFICERS:** Notes Chairs, Online Chairs

**DISCUSSION:** RTs are a significant burden on HLR editors while having the least impact of our student written pieces. Over half a year (and, per the Brownbook standard, up to 15 months) typically passes between when the “Thing” occurs and when we publish the RT. In the meantime, legal analysts have already likely written much of what there is to say about the issue (particularly given the editor must say something novel in just 4 pages of analysis). Moving RTs to the Forum instead of the Blog would do little to reduce burden or staleness — Forum pieces currently go

through eight editorial phases (S-Read, P-Read, Bookgrab, Subcite, EE-Read, Galleys, Bookproofs, and Contractproofs), while Blog pieces go through two (B-Read, Copy Edit / Fact Check).

During the discussion period, some concerns were raised about the loss of the ability to publish more detailed RTs including footnotes. In response to these concerns, an Online co-chair shared that there are no formal impediments to including footnotes in Blog pieces. The committee considered adding language to the resolution to reflect that but ultimately decided that it was best to leave the details of potential Blog RTs to the pre-existing Blog publication process.

## SW.06: Limit Student Writing Opportunities to Two

**ONLINE VOTE:** 41-12 [**Went to Live Vote**]

**LIVE VOTE:** 46-7 [Amended and **Passed**]

**AMENDED TEXT (ADOPTED):** No student editor shall be permitted to publish more than twice (with the blog excepted) in the Harvard Law Review. For the purposes of this cap, published 2L RTs written by Volume 139 editors do not count.

**OFFICERS:** Notes Chairs, Entire Body

**DISCUSSION:** The survey results indicated broad support for limiting student writing generally. This resolution would reduce the current cap on an editor's print publishing ability by one (but would leave in place the more liberal ability to publish on the Blog). According to the Notes Chairs, there are several editors that have chosen to publish three times in print, meaning that this resolution can reduce some of the volume of HLRs student written publication.

**Notes on Amendment:** During the discussion period, concerns were raised about grandfathering in Volume 139, as some editors may have elected to write a print RT this year with the expectation that they would have two additional opportunities to publish in print. The resolution has been amended to address those concerns.

## SW.07: Eliminate 4L Notes

**ONLINE VOTE:** 28-9 [**Went to Live Vote**]

**LIVE VOTE:** 48-6 [**Passed**]

**TEXT:** HLR will no longer publish 4L Notes (Yes/No)

The following groups will be exempted:

- Vol. 138 (Yes/No)
- Big 5 (Yes/No)

- Transfers (Yes/No)
- EEs (Yes/No)
- Extenuating circumstances (as determined by a majority vote of the Notes Chairs plus the Big 5) (Yes/No)

[Note: each of the above categories are to be voted on independently; each category that receives the requisite amount of support will be enacted if the threshold resolution passes]

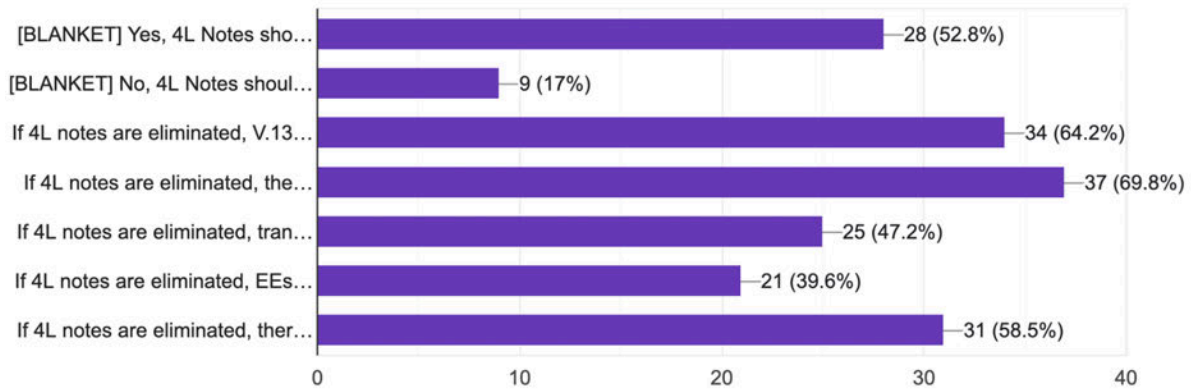
**OFFICERS:** Notes Chairs, Big Five, Whole Body

**DISCUSSION:** The large majority of survey respondents indicated that 4L notes were a heavier lift than 3L notes (78%) and were in general the most burdensome type of HLR work to edit (84%). This is likely because 4Ls do not have access to the same tools and resources as 3L Note writers (Hein, Hollis, Sharepoint), meaning HLR takes on all of their bookgrabbing and article conversion/length-checking — and relatively more of their substance-checking than for 3L writers. Although some of the overall volume reduction achieved by eliminating 4L Notes might be mitigated by editors prioritizing writing Notes in 3L instead of relying on a 4L guarantee, this resolution will likely still practically eliminate some number of Notes as editors weigh the burden of drafting a Note during their 3L year. Many editors feel that the Big 5's and EEs' significant contributions and time commitments to HLR practically prevent them from writing 3L Notes, and thus they should be permitted to publish 4L Notes. Many editors also feel that extenuating circumstances out of an editor's control should similarly not bar them from publishing a Note. Finally, transfers historically have been unable to write 3L notes because they usually join as 3Ls, at which point the deadline for expressing interest in writing a Note will have passed (in June).

### **Online Vote Results**

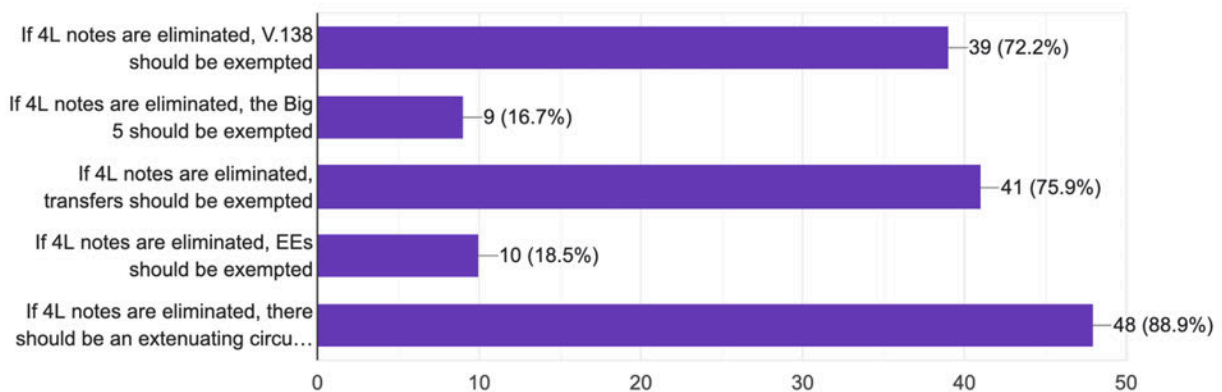
Options for exemptions (in order): V.138, Big 5, transfers, EEs, extenuating circumstances

Title: Eliminate 4L Notes TEXT: HLR will no longer publish 4L Notes (Yes/No) [Note: this is a threshold question; if this clause of the resolution f...terest in writing a Note will have passed (in June).  
53 responses



### Live Vote Results

If the above resolution passes, which of the following groups should be exempted? (If the above resolution fails, this question shall be moot)  
54 responses



### SW.08: De-Anonymization

ONLINE VOTE: 32-16 [Went to Live Vote]

LIVE VOTE: 20-34 [Failed]

**TEXT:** The following student writing shall be de-anonymized, unless a student author chooses to publish anonymously.

- All Student Writing (Yes/No)
- Student Notes (Yes/No)
- Print RTs (Yes/No)
- SCOTUS CCs (Yes/No)
- DEVO Chapters (Yes/No)

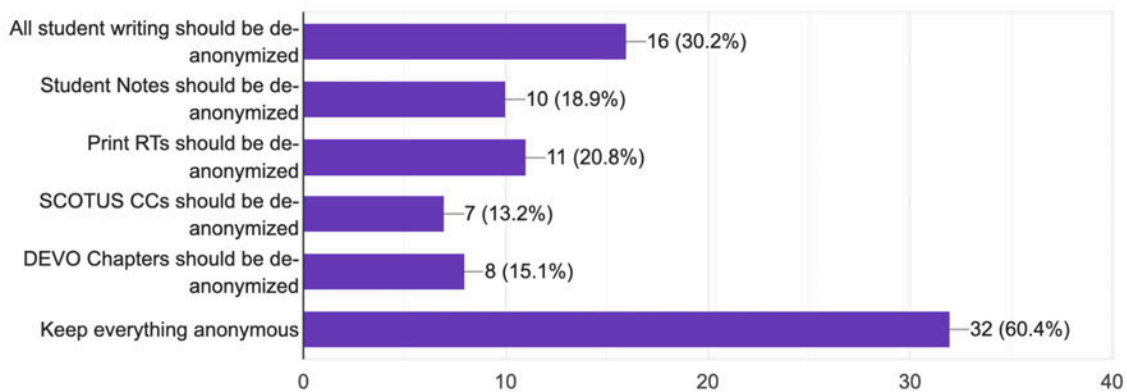
[Note: each of the above categories are to be voted on independently; each category that receives the requisite amount of support will be enacted]

**OFFICERS:** All Editors

**DISCUSSION:** Survey results indicated that the body was split fairly evenly on whether or not student writing should be de-anonymized. Additionally, significant support was expressed for an opt-in system of anonymization. This resolution aims to synthesize those concerns into one package for the body to be able make a comprehensive decision on HLR’s anonymization policy.

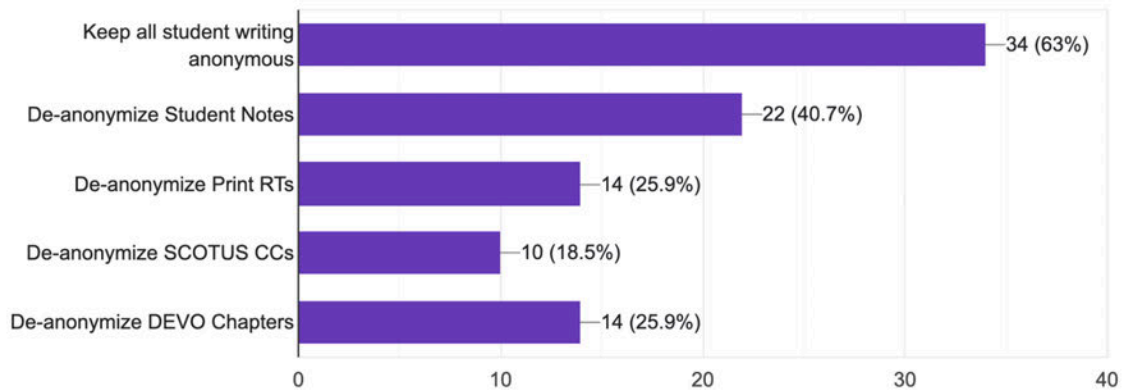
### Online Vote Results

Title: De-Anonymization TEXT: The following student writing shall be de-anonymized, unless a student author chooses to publish anonymously. \*...rehensive decision on HLR’s anonymization policy.  
53 responses



## Live Vote Results

**TEXT:** The following student writing shall be de-anonymized, unless a student author chooses to publish anonymously. This will take effect starting...prehensive decision on HLR's anonymization policy.  
54 responses



## SW.09: De-Anonymization Working Group

**ONLINE VOTE:** 27-26 [Went to Live Vote]

**LIVE VOTE:** 20-32 [Failed]

**TEXT:** The President will select a working group made up of HLR editors to explore the reasons for and against anonymization. This working group will consult with relevant stakeholders, e.g. HLR alumni, legal scholars, judges, to determine views on anonymization. The working group will send a memo to the body laying out their findings no later than Friday April 11, 2025. The President will convene a full-body vote on de-anonymization no later than April 25, 2025. If the "De-Anonymization" resolution passes in any form, this resolution will have no effect whether passed or not.

**OFFICERS:** President, working group members (TBD)

**DISCUSSION:** Many editors expressed that they did not want Vol. 139 to be the volume that breaks a tradition that has lasted for more than a century. That consideration makes it difficult for any individual volume to make this tough decision. Creating a process where we critically explore the idea with relevant stakeholders will create an opportunity for the body to weigh the value of anonymity on its merits.

This resolution was amended to (1) clarify that the working group would be composed of only HLR editors who will consult with others outside the organization and (2) clarify that this resolution will be obsolete in the event the "De-Anonymization" resolution passes in any form.