

Proposal for an Annual Student Essay Contest

Ad hoc Committee: Selina Davis, Loren Smith, and Wendy Wagner

Proposal: Given our Section's large student membership, establishing a student essay competition would provide the Section with a formal way of acknowledging our student members' value to the Section and to administrative law in general. The competition would take place annually and invite essays on specified topics with specific constraints regarding length and format. The author of the winning essay would receive a \$500 award and the essay would be published in *Administrative Law News*, although the Section would reserve the right to withhold an award if the entering essays fall below Section standards. Any student member of the Section who is enrolled in an ABA-accredited law school is eligible to enter the competition. The award would be announced at the Section's summer meeting and would be posted on the Section website. A proposal for the 2006 competition is attached.

Rationale: Convening an annual essay competition will provide our 13,000+ student members with greater opportunity to participate in the Section and hopefully will also encourage new student memberships. The essay competition would be publicized widely to law schools, relying in part on our many active members who teach administrative law, as well as web postings and notices on law professor listservs. Since membership in the Section is a prerequisite for entry, we expect a number of students will join the Section simply as a result of the competition

By publishing the winning essay, the competition will also provide student members with greater visibility in the Section. Indeed, if topics are selected carefully, we will be able to encourage analysis on issues that are of great interest to the Section membership and provide a platform for future panel discussions or other intellectual exchanges.

Cost and Resource Implications: The Section will need to support the competition by convening an annual committee to develop a topic, advertise the competition, and judge the entries and agreed upon the winning submission. The Section will also need to commit \$500 annually for the award and save space for the winning entry in *Administrative Law News*.

***ABA Section on Administrative Law and Regulatory Practice
Draft Rules for 2006 Student Essay Competition***

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TOPIC: How should agencies determine the limits of their powers under the commerce clause in the wake of the Supreme Court's *SWANCC* decision?

In 2001, the Supreme Court decided the *SWANCC* case, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001). The Court held that when an agency interpretation of its statutory authority “invokes the outer limits of Congress’ power,” the courts will invalidate the agency action or rule unless there is a “clear indication that Congress intended the result.” In the wake of *SWANCC* and in light of the confused Supreme Court and lower federal court guidance on the test for when agency action has tripped its commerce clause powers, how should agencies approach rulemakings that arise in this murky federal/state arena?

or

What is the most promising new information technology (other than the internet) for enhancing government accountability in administrative law?

Information technologies, such as electronic records rooms, digital mapping, and plain language tools, have the potential to provide unprecedented assistance to agencies in providing and processing information to and from the public. Identify an information technology that you believe has the most promise for increasing agency accountability and explain how it can accomplish that goal, including an honest assessment of both the benefits and the pitfalls of implementing the technology at a national level.

or

Should the Informational Quality Act be legislatively amended so that agency responses to petitions for correction of information are judicially reviewable?

In 2001, Congress passed an appropriations rider called the Information Quality Act that requires agencies to respond to public petitions for correction on information disseminated by that agency. To date, courts have declined to review challenges to agency responses to these petitions under the APA. Take a position on whether the Information Quality Act should be legislatively amended to provide a right for judicial review under the APA, including consideration of both the pros and the cons of involving the courts in these matters.

We recommend only one topic per year and offer these 3 possible topics by way of example. The 2006 Essay Competition Committee should ultimately select the topic for the year.

PRIZE: The winner receives a \$500 cash prize, and the winning essay will be published in *Administrative Law News*.

ELIGIBILITY: The competition is open to currently enrolled students of ABA-accredited law schools who are also members of the Law Student Division of the ABA Section on Administrative Law and Regulatory Practice. Only original, non-published essays will be considered, although papers submitted for course requirements are eligible for entry. Only one essay may be submitted per entrant, and no co-authored papers will be accepted. By submitting an entry in this contest, each entrant gives the ABA permission to edit and publish the entry in the ABA's *Administrative Law News* publication.

FORMAT: Essays should be between 5 – 12 pages, but must not exceed 12 typewritten pages (roughly 3000 words), including title and citations. The text of the essay must be double-spaced, with twelve-point font and one-inch margins. Citations must be embedded in text: Entries with footnotes or endnote will not be accepted.

JUDGING: Entries will be judged based on the following criteria:

- * Creativity and clarity of the proposal or thesis
- * Organization
- * Quality of the analysis and research
- * Grammar, syntax and form

The entries will be judged anonymously by members of the ABA Section on Administrative Law and Regulatory Practice. The Section reserves the right not to award any prizes if it is determined that no entries are of sufficient quality to merit selection in a particular year.

ENTRY PROCEDURE: Essays must be submitted with an application form and postmarked by **March 31, 2006**. Application forms can be downloaded at [*web address.*] Entries should be sent to *MAILING ADDRESS*. Four copies of the essay must be submitted.

The contestant's name and other identifying markings, such as school name, are not to be on any copy of the submitted essay. The ABA Section of Administrative Law and Regulatory Practice staff will assign a random number to each entry and record this number on all copies of each essay submitted. Neither the contestant's identity nor his/her academic institution will be known to the selection committee.

