

INSTRUCTIONS FOR 2013-2014 WRITE-ON APPLICANTS

Submit your brief, personal statement and public policy problem on **TWEN by 11:59 PM on Thursday, June 6, 2013.**

If you have any questions, feel free to contact Jeremy Alm, Editor-in-Chief, at jalm01@hamlineuniversity.edu. However, please refrain from mentioning anything to do with what topic you may or may not have selected, as the selection process is anonymous. Thank you and good luck!

Part I

Trial-Level Brief:

- Applicants must submit their trial-level brief (the suggested length is 10-20 pages). You may use any brief you wrote for a LRW class.
- The brief should contain a header on each page containing the student's final exam number with no other identifying marks. (The selection process is anonymous).
- The brief should also contain (added if necessary) a public policy argument. Please highlight the public policy argument(s) by **bolding** their text.
- Students may consult with their Legal Research and Writing instructors; however, the writing and content of the brief must be entirely the product of the student.
- The brief will be judged on a number of factors, including the creativity and strength of the argument, thoroughness of research and analysis, clarity and organization of arguments, and attention to proofreading and citations.

Part II

Personal Statement:

- All applicants to the Journal must submit a 1-2 page personal statement explaining why they are interested in the Journal and how their personal experiences will contribute to the diversity of the Journal's membership.
- The personal statement should contain a header on each page containing the student's final exam number with no other identifying marks.

Part III

Public Policy Problem:

- Applicants must submit a 2-4 page paper on an issue of public law and policy based on *one* of the topics provided below.
- Please ensure that you double-space your paper and provide a header on each page containing the student's final exam number with no other identifying marks.
- Utilize the footnote feature for all citations, and ensure that you also make a good faith effort to have citations correct per Bluebook rules.
- You may use periodicals, legal journals and articles, Internet sources (must be credible Internet sites), and any other forms of authority as found in the Bluebook.
- We will judge your papers based upon, among other criteria, the content, organization, and persuasiveness of the paper.

Topic #1—Student Loans’ Dischargeability in Bankruptcy Proceedings

In 2013, Congress introduced the Fairness for Struggling Students Act that proposed an amendment to Section §523(a)(8) of Title 11 United States Code that would change the applicable exceptions of discharging student loans in bankruptcy. The Act would allow private student loans to be discharged in bankruptcy, but would continue to protect federal loans as non-dischargeable debt. Currently both types of student loans are ineligible to be discharged unless the borrower can prove undue hardship (see *Krieger v. Educational Credit Management Corporation*, Westlaw citation provided below). Much discussion is taking place in today’s economic environment regarding higher education financing for students, as well as affordability.

Advocates for the proposed amendment argue that the current student loan debt is excessive, that this debt does not allow for these consumers to stimulate the economy, and that in some instances bankruptcy courts should be allowed to discharge private student loan debt. Opponents of the proposed amendment argue that allowing only private loans to be discharged could create disparities amongst borrowers and create lending policies that favor certain types of degrees or schools based on repayment likelihood. Opponents against the proposed amendment worry about an impact on lender borrowing policies that could harm students’ ability to access higher education financing.

For this topic, examine any form of case law, scholarly journal or law review articles, or other sources of authority on the issue of whether, as a public policy concern, student loans should be dischargeable in bankruptcy proceedings. Current federal discussions are centralized only on private student loans, and not inclusive of federal student loans. You may discuss student loans collectively or address the current debate on private student loans. Please integrate whatever information you find into a persuasive, public policy argument for which you determine the content and direction.

The following will help provide further insight into this topic:

11 U.S.C. § 523(a)(8).

Chandler Harris, *The Dischargeability of Student Loan Debt in the Sixth Circuit*, 49-MAR Tenn. B.J. 18 (March 2013).

Susan Hauser, *Separate Classification of Student Loan Debt in Chapter 13: An Examination of the Conflict Between § 1322(b)(1) and (5)*, 32-APR Am. Bankr. Inst. J. 38 (April 2013).

Topic #2—The Gun Debate: School Personnel & Their Right to Carry Guns

After the tragic school shooting in Newtown, Connecticut, the gun law debate has been the center of debate in politics, the news, and the legal community. One of the debate topics has been whether to allow teachers to carry guns in schools. Proponents argue that allowing school personnel to carry guns would increase school safety. However, critics believe that it would fail to keep schools safe and increase violence.

For this topic, examine or analogize any case law, scholarly journal or law review articles, or other sources of authority on the issue of whether, as a public policy concern, teachers should be allowed to carry guns in school. While case law may be scarce on the issue directly, there are many Second Amendment and gun rights topics that would help make a strong public policy argument. Additionally, we provided substantial information below to begin your research. Please integrate whatever information you find into a persuasive, public policy argument for which you determine the content and direction.

The following will help provide further insight into this topic:

Asa Hutchinson, *Report of the National School Shield Task Force*, The National School Shield, (April 2, 2013), http://www.nraschoolshield.com/NSS_Final_FULL.pdf (recommending various approaches schools could use to increase school safety, including arming trained school personnel).

Kevin Robillard, *NRA Plan: Let Teachers Carry Guns*, POLITICO (April 2, 2013, 12:28 PM), <http://www.politico.com/story/2013/04/nra-school-shield-safety-program-89542.html>.

See generally Kachalsky v. Cnty. Of Westchester, 701 F.3d 81, 100 (2d Cir. 2012) *cert. denied*, 12-845, 2013 WL 127179 (U.S. Apr. 15, 2013) (holding that limiting gun rights to certain places like schools is lawful; Moore v. Madigan, 702 F.3d 933 (7th Cir. 2012) (providing guidance on the legal standard about guns in public); DiGiacinto v. Rector & Visitors of George Mason Univ., 704 S.E.2d 365 (2011) (holding firearm restriction on a university campus is allowed).

Topic #3—Battling Over Frozen Embryos

In Vitro Fertilization is an infertility treatment in which a woman's eggs are surgically retrieved, fertilized in a laboratory, and then transferred to a uterus (the uterus of the woman who provided the eggs or a different woman). Sometimes, however, more embryos are created in the laboratory than are needed; these embryos can be cryopreserved (frozen) for use at a later date. It is estimated that there are currently more than 400,000 frozen embryos in storage in the United States. An emerging problem in family law is what to do when a divorcing couple disagrees about what should happen to their frozen embryos. For example, which spouse should be awarded the embryos when one still wants to use them to have a child and the other wants them to be destroyed?

For this topic, examine any form of case law, scholarly journal or law review articles, or other sources of authority. Please integrate whatever information you find into a persuasive public policy argument for which you determine the content and direction.

The following will help provide further insight into this topic:

Mark P. Strasser, *You Take the Embryos But I Get the House (and the Business): Recent Trends in Awards Involving Embryos Upon Divorce*, 57 BUFF. L. REV. 1159 (2009).

Topic #4—Open Topic

All applicants may choose any other topic that fits within the guise of public law and policy in their public policy paper. All other requirements set forth still will apply, so please ensure you include basic research on your topic, as well as making a good faith effort on your citations to be in accordance with the Bluebook.