

Guidelines and Criteria for the ABA Health Law Student Writing Competition

Introduction

The American Bar Association (ABA) Health Law Section is pleased to announce its Annual ABA Health Law Student Writing Competition, a writing competition open to any law student in good standing and currently enrolled in an ABA-accredited law school, over the age of 21 and who is a citizen or legal permanent resident of the United States. Directors, officers and employees of the ABA and their immediate family or household members are not eligible.

I. Award Criteria and Limitations

1. The ABA Health Law Section will present an award, based on excellence of the paper, to a law student who writes a substantive paper on any aspect of health law. Awards will be based upon authorship of superior literary effort that advances and serves the interests and understanding of an emerging issue in health law. Topic selection is one of the criteria judged. The paper should be an original, practical examination of issues (rather than a recitation of existing research) related to the student's topic. Papers should either address a topic that was not previously addressed in the past two to three years in *The Health Lawyer* or expand on or present an alternative or new theory, angle, or perspective on a topic that was previously addressed in the journal. For a list of articles published in *The Health Lawyer*, go to: ambar.org/healthlawyer.

2. All submissions must be the original work of the entrant. Any relevant article may be submitted for the competition, including writing submitted for academic credit. Submissions must not have been previously published in any media. Only one paper, per competition theme, may be submitted by each entrant.

3. There will be no more than one first place award given during any single ABA fiscal year. The author, subject and title of the paper, and the law school attended will be included in the announcement of the award.

4. Law Student Winners:

First Place

The first-place award is a \$500 honorarium, consideration for publication in *The Health Lawyer*, the Health Law Section's award winning flagship journal, and attendance at the ABA's Emerging Issues in Healthcare conference, which includes the cost of economy-class airfare, at ABA rates, hotel for two nights and a \$50 per diem for two days. If the first-place recipient is unable to attend the conference, the \$500 honorarium and potential publication of the article will be the sole awards.

Travel is non-transferable, and no substitution of individuals or cash or cash equivalents is allowed.

The ABA Health Law Section is carefully monitoring the COVID-19 pandemic and reserves the right to make any accommodations or changes as needed in order to protect the health and safety of all participants. This may include, but is not limited to, the possibility that the Emerging Issues in Healthcare conference will be held virtually. In such event, there will be no travel stipend offered for any winner.

Runner(s)-Up

A second-place winning paper will be named if deemed appropriate by the ABA Health Law Section. The second-place winner's paper will be considered for publication in *The Health Lawyer*, but no cash or travel award will be presented to the second-place winner. Additional runners-up may be named at the discretion of the ABA Health Law Section. Additional awards, if any, will be recognized in *The Health Lawyer* and may be published in the journal.

II. Procedure

1. Papers should follow *The Bluebook: A Uniform System of Citation* style, and be a minimum of 20 typewritten, double-spaced, letter-size pages of text (or not less than 5,000 words of text) *plus* appropriate endnotes for a paper of publishable quality. Papers may not exceed 35 pages inclusive of endnotes.
2. The Section Chair of the ABA Health Law Section will appoint a committee by September 30, 2020, to adjudicate the Competition. The Committee will consist of a minimum of five members, with at least one representative from the editorial board of *The Health Lawyer*.
3. Nominations of participants to serve as judges for the Competition may be made by:
 - a. Any member of the ABA Health Law Section;
 - b. A faculty member at any ABA-accredited law school;
 - c. Self-nomination; or
 - d. A member of the American Association of Law Schools.

The current Law Student Liaison to the Health Law Section's Governing Council is not eligible to participate in the Competition.

4. In addition to the paper, each contestant **must** provide an electronic copy of his/her resume and a statement delineating his/her health law interests and current involvement in the health care field, including his/her goals.
5. Each contestant must send one copy of the paper, resume and interest statement via email by 12:00 p.m. (Central Standard Time), December 1, 2020, to: Jason Billups, Program Specialist, ABA Health Law Section at Jason.Billups@americanbar.org. Upon receipt, the ABA Health Law Section will assign each paper a random number to ensure name and law school affiliation anonymity throughout the review process.

6. The Committee will review all papers. Individual Committee members may perform a preliminary review, depending on the number of submissions. The five finalist papers will be distributed to the entire Committee for a final vote. At the discretion of the Committee chair, such vote may be taken by email, telephone conference, or meeting. The Section reserves the right not to award any prizes if it is determined that no entries are of sufficient quality to merit selection that year.

7. The Committee will notify by email the winner at least 45 days prior to the start of the Emerging Issues in Healthcare conference, and the winner will be announced in the *Student Lawyer*, the ABA Law Student Division magazine, as well as in *The Health Lawyer* and on the ABA Health Law Section's web site. If a potential winner does not respond within 10 business days after the ABA's first attempt to notify him or her, or if the notice is returned as non-deliverable, the potential winner forfeits all rights to be named as winner or receive a prize, and an alternate winner may be selected.

III. Additional Terms and Conditions

The ABA Health Law Student Writing Competition is sponsored by the American Bar Association through its Health Law Section. "Sponsor" constitutes the ABA, subsidiary and affiliated entities, and each of their respective officers, directors, members, employees, independent contractors, agents, representatives, successors and assigns (collectively "Sponsor"). The ABA is not responsible for any computer or software errors, Internet failures, telecommunication or hardware or software failures, printing errors in these rules, or other technical failures incurred by contestants. The Sponsor is not responsible for errors or for lost, late, or misdirected mail or email, including by reason of any bug or computer virus or other failure.

The Sponsor may cancel, modify or terminate the promotion if it is not capable of completion as planned, including by reason of infection by computer virus, tampering, unauthorized intervention, force majeure or technical difficulties of any kind.

1. By entering this contest, contestant:

- represents that his/her paper is original content;
- understands that the ABA will not return his/her submitted copy;
- agrees that the ABA may publish a winning essay in *The Health Lawyer* and gives the ABA a non-exclusive right of publication worldwide and the right to use the contestant's name, likeness and biography in connection with such publication without further compensation;
- agrees that the ABA has the right to edit the paper to conform to the *Health Lawyer's* publication guidelines, standards of style, technological requirements, language usage, grammar, and punctuation, provided that the meaning of the paper is not materially altered;
- must execute a separate licensing agreement giving the ABA the publication rights enumerated above and the right to use the article for any other purpose related to the ABA mission. If the winner fails to sign the agreement within 10

business days of receipt, the prize will be considered forfeited and another winner potentially named;

- retains full copyright to his/her entry except that winners are required to license certain rights to the ABA (see above) as a condition of entry; and
- if selected as the winner, must submit a completed W-9 to receive the honorarium. The full fair market value of the prize will be reported on a 1099. The winner is responsible for all taxes in connection with receiving a prize.

2. Each contestant releases the ABA and its respective employees, officers, directors, contractors, agents, representatives, successors and assigns from any damage, loss, or other liability that may arise from or in any way relate to participation in this Competition. This Competition will be governed by all federal, state, local and municipal laws and regulations. **This Competition is void where prohibited by law.** Any claim, judgment, or award will be limited to a contestant's actual out-of-pocket costs associated with entering this Competition. The contestant hereby waives any right or claim to attorney's fees, indirect, special, punitive, incidental, or consequential damage.

3. Information provided by contestants in connection with this Competition is subject to the ABA's privacy policy, available at <http://www.americanbar.org/utility/privacy.html>.

4. By participating, each entrant agrees to these Official Rules and the decisions of the Sponsor, and releases and discharges the Sponsor from any and all liability whatsoever in connection with this promotion, including without limitation legal claims, costs, injuries, losses or damages, demands or actions of any kind (including without limitation personal injuries, death, damage to, loss or destruction of property, rights of publicity or privacy, defamation, or portrayal in a false light) (collectively "Claims"). Except where prohibited, acceptance of a prize constitutes a release by any winner of the Sponsor of any and all Claims in connection with the administration of this promotion and the use, misuse or possession of any prize. All entries become the property of the Sponsor and will not be acknowledged or returned. Chances of winning will vary depending on the number and quality of entries.

5. Any individual may elect to opt out of receiving future contest mailings by calling the ABA Service Center at 800-285-2221.

SPONSOR: The ABA Health Law Student Writing Competition is sponsored by the American Bar Association through its Health Law Section, as noted above.

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Please contact Jason Billups with any questions at Jason.Billups@americanbar.org.