The goal of this special writing competition is to encourage and reward law student writings on the legal issues involved in disaster preparedness and response. This hot topic has received wide-spread attention in recent years and is the theme of the American Bar Association’s Tort Trial & Insurance Practice Section (TIPS) for 2011-12 under the leadership of Section Chair, Randy Aliment. With this competition we seek to attract and engage law students in TIPS and encourage scholarship.

The TOPIC

The world has suffered from several major disasters in recent years including the September 11, 2001 terrorist attacks, the 2010 Deepwater Horizon Oil Spill, the 2011 Japan Earthquake, and the recent devastating floods and tornadoes throughout the US. From these and others disasters numerous legal questions have arisen spanning virtually every area of the law, from Aviation and Animal Law to Employment, Environmental, Insurance Coverage, International, and Toxic Torts. Here are just a few of the many topics that one might explore in an essay, all of which are represented by a Committee of TIPS.

Aviation Law: What changes have been necessary in air transportation security and what has been the impact on air carriers, the FAA/TSA, aircraft manufacturers and general aviation of the September 11, 2001 terrorist attacks?

Animal Law: With the growing number and types of disasters, humans have found that our canine companions have capabilities that we lack and which provide important tools for us in addressing disasters. Canine heroes include the scent dog as the first line of defense, while search and rescue dogs are critical to finding survivors in a disaster. What training is required and how will they help prevent the mass disasters at our transportation hubs in the future? What laws are necessary to provide protection for the animals' interests and guidance for their proper care and treatment during training, on the job, and when they are no longer able to serve? When disasters strike, what recovery plans should be in place to address lost companion animals and to help reunite them with their owners?

Employment Law: The employer’s responsibility to provide safe workplaces for its employees is most critical during an emergency. The appropriate procedures may vary from sheltering-in-place to a complete evacuation. Special situations exist for: employees and visitors with disabilities; employees and visitors who do not speak English; employees with evacuation responsibilities; and employees with crisis management responsibilities who are part of the local/state Crisis Management...
Response Team. Each of these situations requires extensive planning for the possible emergency contingencies.

*Excess Surplus Lines and Reinsurance:* In the aftermath of September 11, insurers, regulators, and brokers have implemented practices and requirements aimed at preventing situations in which, when disaster strikes, the insurance policy has not yet been issued. These measures, referred to as “contract certainty” procedures, seek to require that insurance and reinsurance contracts be issued at or near the time that coverage is bound. Still, market practice remains imperfect, as the industry struggles to balance the policyholders’ need for prompt commitments to coverage against the mutual need for contract certainty.

*Professional Directors and Officers Liability:* What are the obligations of corporate directors and officers in evaluating whether companies they serve have reasonable disaster preparedness and recovery plans in place? What are the tasks that need to be undertaken in avoiding catastrophic situations, including property damage, employee injury and death; and what type of plans should be put in place to minimize business interruptions and compensate injured employees and families of employees killed in the line of work? What liabilities do corporate directors and officers face in failing to live up to their obligations and what insurance is available to protect directors and officers from liability?

*Toxic Torts & Environmental Law:* The massive number of individual victims and the need to provide compensation for their injuries is an overwhelming task. What are the most appropriate vehicles for addressing liability and compensation and what rules should govern the creation and administration of victim funds? How can the loss of wildlife and habitat be compensated?

**The Competition Plan**

All law schools in the state in which the 2011-12 TIPS Meeting is located may participate in the writing competition. A TIPS member of the Disaster Preparedness and Response Task Force, or another TIPS leader, shall be designated as the liaison to each Law School. The competition is open to any law school student in good standing over the age of 18 at the selected law schools. Employees of the ABA and its respective affiliates and immediate family or household members of these employees are not eligible. The Law Schools are responsible for advertising the competition to their students, soliciting entries, and selecting the top three (3) entries for submission to TIPS.

The locations, dates, targeted program, TIPS Liaison(s) to the Law School Deans, and selected Law Schools for each TIPS/ABA meeting are:
Fall: Seattle, Washington, October 13, 2011 (15 tickets / school)
Disasters Caused by Cyber Terrorism
Randy Aliment
University of Washington School of Law
Seattle University School of Law
Gonzaga School of Law

Mid-Year: New Orleans, Louisiana, February 3, 2012 (10 tickets / school)
Disasters Caused by Negligent Acts
Jennifer Kilpatrick
Tulane University School of law
Loyola University New Orleans College of Law
Louisiana State University Law School
Southern University Law Center

Spring: Charleston, South Carolina, May 17, 2012 (15 tickets / school)
Disasters Caused by Nature
Jim Myrick
Charleston School of Law
University of South Carolina School of Law

Annual: Chicago, Illinois, August 2, 2012 (5 tickets / school)
Disasters Caused by Foreign and Domestic Terrorism
Ken Roberts
Chicago-Kent College of Law
DePaul University College of Law
John Marshall Law School
Loyola University Chicago School of Law
Northern Illinois University College of Law
Northwestern University School of Law
Southern University School of Law
University of Illinois College of Law
University of Chicago Law School

Up to 45 law students at each meeting location may attend the CLE program on Disaster Preparedness and Response and the reception immediately following the program in their respective city at no cost. Available spaces are divided equally among the law schools in each state (see the allocation above) with each law school responsible for selecting the students who will attend from their law school. The dean of the law school and the faculty member responsible for administration of the program may also attend the CLE and reception at no cost. Participation in the writing competition is not a requirement for the student entrants. However, student writing competition participants shall receive priority from among other students at their school to attend the CLE and reception.
The Competition Rules

Rules concerning the writing competition are as follows.

1. Papers should address an essay on a current legal topic related to Disaster Preparedness and Response as described above. Entrants are encouraged to write on subjects of national or international interest, not state-specific issues. Entrants must submit their own original essay. Failure to submit an original essay will result in its disqualification and the selection of a new winner.

2. Essays must not exceed 3500 words including footnotes. Only one essay is to be submitted for each entrant. Entrants should write essays in the style of entries submitted to the TIPS periodical The Brief. Essays should be drafted in a style that is readable, journalistic, and less formal than a law review article. Citations must conform to the 19th edition of The Bluebook—A Uniform System of Citation.

3. The format of this competition has been selected to stimulate creativity of thought and research. Entries will be judged based on the following criteria: clarity and significance of the thesis presented, manner in which the thesis is treated, organization, quality of analysis, quality of research and authority provided, and grammar, syntax, and form.

4. A Cover Sheet and Essay (in two separate files) must be submitted by e-mail to the faculty member at each law school responsible for administration of the program. Each law school shall select the deadline for submission for their entrants.

   The Cover Sheet shall contain the following information: title; author’s name; author’s law school and year in school; author’s permanent and temporary addresses, telephone numbers, and e-mail address.

   The Essay shall contain a title page with only the title of the essay. The Essay shall contain no personal identifying information.

   The Law School shall establish a review committee to review and select the top three (3) essays to submit to the TIPS Task Force on Outreach to Law Students Administrator Linda Wiley at Linda.Wiley@americanbar.org.

5. The final three (3) essays from each school must be e-mailed to Linda Wiley on or before the following dates for each respective TIPS Meeting competition:
   
   Fall: September 23, 2011
   Mid-Year: January 9, 2012
   Spring: April 20, 2012
   Annual: June 15 2012
6. The TIPS Task Force on Outreach to Law Students will establish a review committee that will select the top three papers from among all papers submitted for each meeting and submit for final approval to the TIPS Disaster Preparedness and Response Task Force. The Law Schools will receive notification of the final selections from TIPS at least ten days prior to the respective TIPS Meeting. TIPS shall inform the top three students of their ranking and attendance at the TIPS Meeting via e-mail.

7. At each respective meeting, the first place winner will receive a cash award of $250, the second place winner will receive $150 cash award, and the third place winner will receive $100 cash award. All three winners may attend the CLE program on Disaster Preparedness and Response in their respective city and the reception immediately following the program at no cost in addition to the tickets previously allocated for students. All three winners will be announced on the TIPS and Thomson Reuters West web sites and in an upcoming issue of *The Brief*. The first-place winner’s essay will be published on the TIPS and Thomson Reuters West web sites and will be considered for publication in the *The Brief* and may appear in an upcoming issue. No substitutions will be permitted. Only one winner allowed per family or household.

8. By entering, the winners give the ABA the right to reproduce any essay material submitted in any medium without time, use, or territorial limitation, as long as such is for noncommercial purposes. Entries will not be returned. All entries submitted to the ABA become the property of the ABA.

9. All expenses involved in preparing and submitting an entry are the entrant’s responsibility. Winners will execute a separate publication agreement giving the ABA a non-exclusive right to publish the article and to use for other purposes. Essays submitted must have been created by the entrant, must never have been published in any other medium other than a law school publication, and must have been written after June 1, 2011.