



Scharps Memorial Legal Essay Competition

About the Essay Competition

The **Benjamin and David Scharps Memorial Award** was established in the will of Hannah S. Hirschhorn in honor of her brothers, Benjamin and David Scharps who were attorneys. The gift for the award was accepted by the SUNY Board of Trustees in 1974. The funds have been used to award juniors or seniors who are prelaw or have an interest in legal studies. As per the bequest, the prize is awarded to a student who writes the best legal essay on the subject determined by the Chancellor or designee. First Prize is \$1500, Second Prize is \$1000.

Eligibility

Competition for the prize is open to SUNY students in their Junior or Senior year.

Campus Instructions for Essay Submissions

Award applicants will submit a 2,000 word essay that is responsive to the chosen topic. Submission is to be sent in standard essay format. End notes and footnotes are acceptable. No pictures or illustrations are to be included. Preferred essay format is described below.

Essays written by students are submitted to a campus point of contact, who may submit a maximum of three essays for their campus. The Campus president appoints a single faculty or staff coordinator who will endorse each essay submitted indicating the he or she has read the essay and considers it of high quality and representative of the best of that campus. This is done by letter sent to SUNY University Life.

The essay will be submitted to SUNY Office of University Life by the campus faculty or staff coordinator.

The SUNY Office of University Life in consultation with the Selection Committee will make final recommendation to the Provost for approval. The winner of the competition will be announced in early spring.

Timeline

UB Deadline for entries
Winner(s) selected

February 1, 2019 at 5:00pm EST
March 2019



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APPLICATION COVER SHEET FOR 2019

Submit this form for each nomination. Note that there may only be three submissions per campus.

1. Campus _____

2. Student's Name _____

Address (for correspondence) _____

E-mail _____

3. Name and Title of Campus Coordinator _____

Address _____

E-mail _____

Phone _____

4. Campus coordinator's signature, indicating support of the submission and judgment that it is of high quality and representative of the campus.

5. Date submitted to System Administration _____

Note: A copy of the application (this cover sheet & essay) should be sent to via email to UB's Campus Coordinator, Megan Stewart: fellowships@buffalo.edu and must be received on or before February 1, 2019 at 5:00pm EST.



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SPECIFIC INSTRUCTIONS FOR ESSAY PARTICIPANTS

Essay Parameters

This is a closed-universe essay question, meaning that only the facts as they are written, and the authorities provided, should be considered when you prepare a response to the essay question posed.

The facts presented should be considered as undisputed. In your analysis, you must accept the facts as-is, meaning you must take them exactly as they are written. You are not permitted to make up any facts that are not provided in the record, or make any assumptions based on the facts as they are presented.

While completing this essay task, you should refrain from looking to any other sources for information. Additional outside research may interfere with completing the task as instructed, which is to analyze and evaluate the issues presented and to draw a legal conclusion using only the sources cited in the authority. Additionally, you are not permitted to cite from any authority other than the law and cases provided in the 'Authorities' sections. This means you cannot use or rely on newspaper articles, law review articles, or any other sources which you believe are relevant to the question presented. The purpose of prohibiting other sources in your analysis is to see how effectively you are able to craft a legal argument using only the sources of information provided to you.

Additionally, outside sources may lead you believe there is a right or wrong answer. However, for purposes of this essay, there is no right or wrong conclusion to each of the questions posed, and your essay will not be evaluated based on the conclusion you reach. Instead, your essay will be evaluated based upon your analysis that leads to your conclusion in each of the three issues. Therefore, you should attempt to compare the facts of the cases provided in the authority to the facts of the instant case as a persuasive tool to reason why the court should decide one way or another.

Your essay should be 2,000 words or less.

Evaluation Methodology

Your essay will be judged based upon how effectively you've articulated the law and court cases, and applied them to the fact pattern provided to reach a conclusion. You will be evaluated based upon how well you articulate the law, and the reasoning you offer to support your conclusions for each issue. Please be sure to include any proper citations when citing a law or a case, as you will be evaluated on your ability to attribute a particular law or reasoning to a source.

We look forward to reviewing your essay submissions. Thank you for being a part of a great award opportunity.

John L. Graham, PhD
Associate Provost for Student Affairs



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Concealed Carry on Campus

At Catskill State College, a public university in New York State, the College President organized the Executive Committee as required by the recently enacted State Firearms Law (“SFL”) Section 991 to solicit comments from students and faculty. The new law permits certain firearm license holders to possess concealed-carry handguns on college campuses. Under the law, public colleges in New York State may reasonably regulate the carrying of concealed firearms on campus, but only after holding hearings with students, staff, and faculty of their institution regarding sentiments of the student population, any relevant safety considerations, and the campus environment.

During the hearings, opponents of the law stated that implementing the law on Catskill’s campus would stifle speech in classrooms because students and faculty would be afraid to vocalize their opinions on academic subjects if some students were carrying handguns in a concealed manner, and could thus trigger violent reactions should the discussions become heated. Supporters of the law cited studies showing that concealed carry permit holders were not prone to violent outbursts, and cited instances where the licensees assisted public safety officers in disarming an active shooter on a private college campus in an adjoining state. As a result of these comments, the Executive Committee recommended a policy that subjects any College staff or faculty member who attempts to ban concealed carry firearms in College classrooms to disciplinary action. This policy was adopted by the relevant College government body.

There is also a third camp, represented by those who oppose the law because they believe SFL Section 991 is fake law and that the U.S. Constitution is the real law. Dr. Rand, a Sanskrit professor at Catskill State College strongly disapproves of concealed carry laws as he holds the view that laws that regulate the sale, possession or use of firearms violate basic federal protected rights. In his view, fundamentally, neither the State nor the College has the authority to permit or restrict firearms. In recent months, he has become more vocal in his stance against concealed carry laws across the nation, attending protests in a number of states and hosting a blog where professors from around the nation write blog posts against the concealed carry laws in their states.

In July 2018, Dr. Rand filed a lawsuit against Catskill State College and the State of New York in the Middle District of New York, seeking a decision that SFL Section 991 is unconstitutional on two grounds. First, Dr. Rand argued that SFL section 991, and the Catskill State College policy, prevent people including himself from defending themselves, violate the Second Amendment and are therefore null and

void. Secondly, he argues that the law and the policy violate the Equal Protection Clause of the Fourteenth Amendment.

New York State defended both the law and the College's policy. The State seeks to dismiss Dr. Rand's lawsuit, arguing that the law does not conflict with the Second or Fourteenth Amendments, and since it fails to show a violation of the Constitution, his claim is meritless.

You are a law clerk for the judge who has been assigned this case. The judge has asked you to draft a memo advising her on constitutional arguments presented in the case.

You may consider the following sources:

1. United State Constitution, Amendment 2

“A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

2. United States Constitution, Amendment 14, Section 1

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

3. District of Columbia v. Heller, 554 US 570 (2008), available at https://scholar.google.com/scholar_case?case=6484080926445491577&q=district+of+columbia+v+heller&hl=en&as_sdt=6,33
4. McDonald v. City of Chicago, Ill., 130 S. Ct. 3020 (2010), available at https://scholar.google.com/scholar_case?case=5141154246897960488&q=mcdonald+v+city+of+chicago+ill&hl=en&as_sdt=6,33
5. National Rifle Ass'n v. Bureau of Alcohol, Tobacco, 700 F. 3d 185 (5th Circuit, 2012), available at https://scholar.google.com/scholar_case?case=2197733431014409057&q=batfe+&hl=en&as_sdt=6,33
6. Hollis v. Lynch, 827 F. 3d 436 – (5th Circuit, 2016), available at https://scholar.google.com/scholar_case?case=15791460329133847241&q=hollis+v+lynch&hl=en&as_sdt=6,33
7. FCC v. Beach Communications, Inc., 508 US 307 – (1993), available at https://scholar.google.com/scholar_case?case=1233327823176781402&q=fcc+beach+communications&hl=en&as_sdt=6,33