



The State University
of New York

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. Please send all to the attention of Andy Binder, at Andrew.Binder@suny.edu.

The SUNY Office of University Life in consultation with the Selection Committee will make final recommendations. The winner of the competition will be announced in the Spring.

Timeline

Announcement to all SUNY Campuses	November 2017
Deadline for entries	February 12, 2018
Winner(s) selected	March 2018



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APPLICATION COVER SHEET FOR 2018

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:
Andrew.Binder@suny.edu and must be received on or before February 12, 2018.*



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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 a court may 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.

Best regards,

Dr. John Graham
Associate Provost for Student Affairs



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Controversial Speaker on Campus

Saratoga State College is a public four year institution that is part of the State University of Utopia ("SUU"). Like all SUU campuses, it prides itself on providing a top-notch college education and celebrates diversity in academia and the free exercise of speech and exchange of ideas. Saratoga State has a very diverse student and faculty body that consists of individuals of multiple races and nationalities. Because of its proximity to Canada, approximately 15 percent of students hail from the provinces of Quebec and Ontario. Many of these Canadian citizens are from Indigenous Canadians tribes and practice ancient religions specific to their tribe.

A specific Indigenous Canadian group, known as the Nanoos, originate from the northern reaches of Canada. Recently, the Nanoos have been in the news for their vehement opposition to tar sands oil development on their native lands, which they believe are sacred. Historically, the Nanoos have been a peaceful group whose religion opposes violence. However, a splinter faction of the Nanoos, known as the "Nanoos Against Tar Oil" ("NATO"), has taken to violent protests against Canadian corporations that are involved in the tar sands oil drilling. There have been riots at the headquarters of several companies in Montreal and Toronto, and bombings at drill sites. Several workers have been killed and many have been injured. There are students within the College community who identify as Nanoos.

Recently, the President of Saratoga State received a request from a student group to host an event on campus featuring a person who many consider to be a controversial speaker. The Saratoga State Young Americans wishes to host Dick Spengler, a well-known "American Nationalist" who believes that the United States should only be for "Americans." He is on record stating that non-Americans, including Canadians, should not be attending public colleges or universities and taking the place of "real Americans" who he believes are more deserving of a College education. He has been particularly vocal against the Canadian Nanoos and NATO's violence. However, he does not distinguish the Nanoos from NATO, and espouses the belief that the Nanoos' religion is the true root of the violence. He expresses that belief at his talks. At several past Dick Spengler speaking events, supporters have marched in large groups and chanted anti-Nanoos slogans. They also carry flags bearing symbols that Nanoos find extremely offensive.

Other college venues that have hosted Dick Spengler have had to deal with protests by other student groups. In some instances, these protests have become violent. Most Dick Spengler

supporters chant and march, but have not intentionally engaged in violence. Some Dick Spengler supporters have taken to wearing body armor and carrying baseball bats, pepper spray, and other non-lethal weapons to protect themselves and what they believe is their right to be heard. Some have expressed that they have “had enough,” are willing to engage in the counter-protesters, and welcome confrontation. Most anti-Dick Spengler protestors are peaceful. However, some within the anti-Dick Spengler groups believe that the only answer to his rhetoric is violence, and they come to his speaking events with similar non-lethal weapons ready for confrontation.

You are an attorney for Saratoga State College. The President has asked you to draft a legal opinion advising her on how to address the following issues:

1. What are the legal implications of denying the Saratoga State Young Americans’ request to host Dick Spengler at the College? Would a denial be in violation of the First Amendment of the United States Constitution?
2. If the College grants the request, what are the legal implications of prohibiting protests of Dick Spengler?
3. If the College grants the request, what are the legal implications of charging the Saratoga State Young Americans a fee for added security surrounding the event?

You may consider the following sources:

1. United States Constitution, Amendment I
“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”
2. Forsyth County v. Nationalist Movement, 505 U.S. 123 (1992),
available at
https://scholar.google.com/scholar_case?case=15663411359492122494&q=Forsyth+County+v.+Nationalist+Movement&hl=en&as_sdt=6,33
3. Brandenburg v. Ohio, 395 U.S. 444 (1969),
available at
https://scholar.google.com/scholar_case?case=15538842772335942956&q=395+U.S.+444+&hl=en&as_sdt=6,33
4. Chaplinsky v. State of New Hampshire, 315 U.S. 568 (1942),
available at
[https://scholar.google.com/scholar_case?case=124249671461500618&q=Chaplinsky+v.+State+of+New+Hampshire,+315+U.S.+568+\(1942\)&hl=en&as_sdt=6,33](https://scholar.google.com/scholar_case?case=124249671461500618&q=Chaplinsky+v.+State+of+New+Hampshire,+315+U.S.+568+(1942)&hl=en&as_sdt=6,33)

5. Cohen v. California, 403 U.S. 15 (1971),
available at
https://scholar.google.com/scholar_case?case=7398433541275578772&q=403+U.S.+15&hl=en&as_sdt=6,33
6. Feiner v. New York, 340 U.S. 315 (1951),
available at
[https://scholar.google.com/scholar_case?case=15905107916137090150&q=Feiner+v.+New+York,+340+U.S.+315+\(1951\)&hl=en&as_sdt=6,33](https://scholar.google.com/scholar_case?case=15905107916137090150&q=Feiner+v.+New+York,+340+U.S.+315+(1951)&hl=en&as_sdt=6,33)
7. Healy v. James, 408 U.S. 169 (1972),
available at
[https://scholar.google.com/scholar_case?case=3830023126010937654&q=408+U.S.+169+\(1972\)+&hl=en&as_sdt=6,33](https://scholar.google.com/scholar_case?case=3830023126010937654&q=408+U.S.+169+(1972)+&hl=en&as_sdt=6,33)
8. Snyder v. Phelps, 562 U.S. 443 (2011),
available at
[https://scholar.google.com/scholar_case?case=2981429692939250360&q=Snyder+v.+Phelps,+562+U.S.+443+\(2011\)&hl=en&as_sdt=6,33](https://scholar.google.com/scholar_case?case=2981429692939250360&q=Snyder+v.+Phelps,+562+U.S.+443+(2011)&hl=en&as_sdt=6,33)
9. Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503 (1969),
available at
[https://scholar.google.com/scholar_case?case=15235797139493194004&q=Tinker+v.+Des+Moines+Independent+Community+School+Dist.,+393+U.S.+503+\(1969\)&hl=en&as_sdt=6,33](https://scholar.google.com/scholar_case?case=15235797139493194004&q=Tinker+v.+Des+Moines+Independent+Community+School+Dist.,+393+U.S.+503+(1969)&hl=en&as_sdt=6,33)
10. Virginia v. Hicks, 539 U.S. 113 (2003),
available at
[https://scholar.google.com/scholar_case?case=16164908056261551967&q=Virginia+v.+Hicks,+539+U.S.+113+\(2003\)&hl=en&as_sdt=6,33](https://scholar.google.com/scholar_case?case=16164908056261551967&q=Virginia+v.+Hicks,+539+U.S.+113+(2003)&hl=en&as_sdt=6,33)