

NYU Law Legislation Competition Official Rules

Spring 2015

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N.Y.U. Journal of Legislation and Public Policy

American Constitution Society for Law and Policy

I. ORGANIZATION

A. Overview

The NYU Law Legislation Competition (the Competition) is an annual intraschool legislation drafting competition co-sponsored by the N.Y.U Journal of Legislation and Public Policy and the NYU chapter of the American Constitution Society.

The purpose of the event is to provide law students the opportunity to develop persuasive writing and legislative drafting skills while interacting with a policy problem impacting state and local governments, with an aim towards fostering interest in state policy and developing publishable, practical work product.

B. Competition Committee

The Competition is directed by a joint Committee comprised of members of the JLPP Executive Board and the NYU chapter of the ACS. The Competition Committee consists of the Competition Chair, President of the NYU chapter of the ACS, and the Editor-in-Chief and Managing Editors of JLPP, or their delegates.

C. Competition Chair

The Competition Chair is chairperson of the Competition Committee, charged with the direction and execution of the Competition. He or she shall be appointed by the Editor-in-Chief of JLPP in August of the Academic Year.

II. PARTICIPATION

A. Competitor Eligibility

Participation in the Competition is done on an individual basis. The competition is open to all students at NYU Law, including first year students.

B. Registration

Registration for the 2014 Competition will open on January 27 at 9:00 AM and will be handled through an online form available here:

< <http://goo.gl/forms/IKci74Mytm> >

Registration will remain open until February 6 at 5:00 PM. No late entries will be accepted. There is no cost to enter the Competition.

C. Withdrawal

Should a competitor need to withdraw from the competition, he or she may email nyulegiscompetition@gmail.com at any time before March 2 at 5:00 pm.

D. Rules of the Competition

Participants who register for the Competition agree to abide by these Rules of the Competition and supplemental Rules announced by the Competition Chair.

III. COMPETITION PROBLEM

A. Distribution and Components

The Problem consists of one or more mock policy scenarios and several sources comprising an Initial Record. It is designed not to give a comprehensive picture of the policy problem addressed, but to provide enough of an introduction and foothold to enable the competitor to engage in external research and construct a compelling Policy Paper and legislative solution.

The Problem will be distributed to all competitors on February 7, along with a copy of these Rules and a copy of the official Grading Rubric. Additional digital copies of the Problem may be obtained by contacting the Competition Chair. Competitors may not share the Problem with non-competitors until the conclusion of the Competition.

The *N.Y.U. Journal of Legislation and Public Policy* reserves rights to the Problem.

B. Clarifications of the Problem

Competitors who, upon reading the Problem, feel clarification is required may email the Competition Chair with their question within the first week and a half of the competition. All emails must be received by February 17 at 5:00 PM. The Competition Chair will determine whether a specific question actually requires clarification in order to preserve fairness or ensure a properly-conducted Competition, and will notify the competitor within forty-eight hours of the request.

The Competition Chair will not be able to respond to questions that are answered in the Rules and, if needed, will only provide minimal clarification to the Problem. Clarifications will be promulgated to all competitors, along with an anonymous transcription of the question posed.

C. Permissible Outside Sources

The Competition is open-universe, and any outside sources are permissible for use in the Policy Paper. Competitors should ensure their sources are trustworthy (from an academic standpoint), and should cite all sources used. If a grader cannot locate a source referenced in the Policy Paper, that proposition shall be considered unsupported for the purposes of grading.

IV. COMPETITION MATERIALS

A. Policy Paper

The Policy Paper comprises the main portion of the Competition's graded materials. While the general design and format of the Policy Paper are left to the taste and judgment of the individual competitor, certain rules and standards must be complied with:

The Policy Paper may be no fewer than five (5) pages and no more than ten (10) pages in length, inclusive of any footnotes, charts, appendices, or other additions.

The Policy Paper should begin with a Statement of the Issue, the content of which should apprise the reader of the precise policy issue implicated by the Problem which the Competitor has elected to address.

The Policy Paper should include a Recommendations section, which should clearly lay out the concrete policy and legislative proposals the Competitor advocates in response to the Issue. The Recommendations

section is of critical importance to the content and grading of the Model Legislation; Competitors should ensure this section is instantly recognizable and easy to understand.

The overall design and content of the Policy Paper are otherwise left to the discretion of the individual Competitor. The document is essentially persuasive, and should be targeted to the proper audience (legislators and their staff); outside of these broad standards, Competitors are encouraged to experiment with design, layout, and order of presentation to maximize the impact of their proposal.

A persuasive, academic-style paper is an acceptable format so long as the sections above are clearly identified. As a sample, the winning piece from last year's competition is available at <http://www.nyujlpp.org/wp-content/uploads/2013/03/Lindgrensavage-2014-nyujlpp-quorum-77.pdf>. Please note that the winning entry from last year has been edited for publication.

B. Model Legislation

Each Competitor must craft a piece of model legislation designed to enact their recommendations from the Policy Paper insofar as those proposals require legislative action. There is no minimum or maximum required length for the Model Legislation; however, points are awarded for succinctness and clarity. Longer does not necessarily mean better.

The Model Legislation should include a Statement of Purposes/Findings detailing the purpose of the legislative enactment and presenting the legislation in as persuasive a manner as reasonably possible.

The Model Legislation should include a Definitions section fully defining all terms appearing within the operative provisions in such a way as to minimize ambiguity or opportunities for misinterpretation.

The Model Legislation's operative provisions should be written concisely and unambiguously.

Boilerplate severability and repealer clauses should be included at the end of the model legislation.

The Model Legislation should conform generally to the Uniform Law Commission's 2012 Drafting Style Guide, which will be distributed to all competitors and is available at: http://www.uniformlaws.org/Shared/Publications/DraftingRules_2012.pdf.

An example piece of model legislation is attached to these Rules as Appendix A. An additional example may be viewed as a part of last year's winning entry at 2014 N.Y.U. J. LEGIS. & PUB. POL'Y QUORUM 77, 85 available at <http://www.nyujlpp.org/wp-content/uploads/2013/03/Lindgrensavage-2014-nyujlpp-quorum-77.pdf>. Please note that the winning piece from last year has been edited for publication.

C. Deadline

All competitors must submit a Microsoft Word copy and a PDF copy of both the Policy Paper and the Model Legislation to nyulegiscompetition@gmail.com by March 6, 2015 at 8:00 pm EST.

V. SCORING

A. Grading Committee

Competition materials will be evaluated by a Grading Committee comprised of the Competition Committee and members of JLPP's editorial staff.

B. Grade Calculation and Rubric

Competition materials will be graded out of a possible 150 points, following a rubric distributed to competitors at the beginning of the competition. Each competitor will be graded by at least two individual graders, whose scores will be averaged to calculate a final score.

Final scores will be used to determine the top overall scorers for purposes of awarding prizes and publication offers.

C. Rubric Categories

Rubric categories will be evaluated by graders using the following general guidelines:

(a) Policy Paper Technical Form

Bluebooking:

All citations in a competitor's Policy Paper must conform to the latest edition of the Bluebook. Competitors should use footnotes; no citations should appear in the Policy Paper's text. The above-the-line text of a competitor's Policy Paper should also conform to the latest edition of the Bluebook.

Grammar / Punctuation / Spelling:

Policy Papers should be proofread, and error-free. Because the Policy Paper is a persuasive document targeted at a legislator, grammatical structure or word choice maximizing readability at the expense of formal grammatical rules will not be penalized.

Proper Formatting:

The Policy Paper must comply with the Competition's Formatting Rules, described in Section IV of these Rules.

(b) Policy Paper Argument

Statement of Issue:

Policy Papers should include a concise statement of the policy issue addressed by the Policy Paper. Persuasive writing techniques should be used to the extent appropriate. Excellent statements of the issue will actively prime the reader to reach the same conclusion as the writer, while maintaining an appearance of neutrality.

Organization:

The format and content of the Policy Paper are largely left to the individual competitor; this is not a formal court document, but a short document designed to capture the attention of and persuade a state legislator. Policy Papers should be well organized and contain a logical, clear order of points and arguments.

Quality of Research:

Inclusion of relevant facts, statutes, and case studies, persuasive use of contrary opinions or solutions, and clear indication that the competitor has not relied solely on the sources provided.

Quality of Argument:

Substance of the Policy Paper. Analysis should be logical, persuasive, truthful, and adequately supported. The reader should be led to conclude that the Policy Paper's recommendations are the strongest possible solutions to the policy problem presented. Contrary solutions should be presented and distinguished. Writing should be clear, precise, persuasive, and professional.

Recommendations:

The Policy Paper should present concrete recommendations which will be executed in the Model Legislation. These recommendations should flow naturally from the argument of the Policy Paper and actually address the policy issue posed by the Problem.

Clear, Persuasive Writing:

The Policy Paper should be audience driven, easy to understand, concise, and clearly aimed towards persuading the reader.

(c) Model Legislation Technical Form

Grammar / Punctuation / Spelling:

Model Legislation should be proofread, and error-free.

Proper Formatting:

The Model Legislation must comply with the Competition's Formatting Rules, described in Section IV of these Rules.

All Sections/Headings Present:

The Model Legislation's form should comply with the general form presented in these Rules, including a proper title and bill number, statement of purpose, definitions section, operative clauses, and properly noted severability and repealer clauses and effective dates.

(d) Model Legislation Content

Statement of Purpose:

The Statement of Purpose section should present the purpose of the legislation in persuasive, punchy language flowing from the Policy Paper's statement of the issue and recommendations.

Definitions:

The model legislation should define all terms of art present within the legislation to minimize ambiguity and cabin the legislation to the use intended by the reader. When in doubt, define the term!

Legislative Proposal Matches Policy Paper Recommendations:

The model legislation should comprehensively address the recommendations made in the Policy Paper, to the extent that the recommendations call for model legislation.

Novel Arguments:

Graders are given discretionary points to award to competitors who exhibit exceptional creativity in crafting and presenting their solutions.

D. Score Announcements

Scores will be announced to competitors by March 30. Winners will be announced to the NYU community. Graded materials will be available for pickup in the Journal of Legislation and Public Policy office after the public announcement of winners.

VI. PENALTIES

A. Late Submissions

If Competition materials are not submitted by the scheduled deadline, as measured by the email timestamp, but is submitted within the first four-hour period after the deadline, a participant will be penalized by reducing the overall score of his or her materials by 10 percent. If materials are submitted more than four hours after the deadline, the score will be reduced by an additional 10 percent, with an additional 10 percent deduction per day until materials are submitted.

If a competitor fails to submit materials for more than 72 hours past the scheduled deadline, he or she shall be dropped from the competition.

B. Other Penalties

Penalties, including disqualification, may be assessed at the Competition Chair's discretion for failure to comply with any rule or deadline set pursuant to these rules.

C. Notice and Appeal of Penalties

Notice of a penalty under this Section will be provided to a competitor via email within four hours of the penalty decision. An appeal must be submitted in writing (email acceptable) to the Competition Chair within forty-eight hours of the decision. No appeal from a penalty shall be permitted after this time period has elapsed.

Appeals made to the Competition Chair will be resolved by the Competition Committee within forty-eight hours of their submission. Decisions by the Competition Committee are final.

VII. AWARDS

A. Competition Awards

For the 2015 Competition, prize money (in amounts to be determined) will be distributed to the competitor with the top overall score.

B. Publication Offer

The *N.Y.U. Journal of Legislation and Public Policy* will publish the Policy Paper and Model Legislation of the top scorer in its online companion, *Quorum*, in the summer of 2015. The Journal reserves the option to extend publication offers to the second- and third-highest scoring competitors as well.

VIII. INTERPRETATION OF THE RULES

A. Requests for Interpretation

Requests for interpretation of these Rules should be made at the earliest date possible to the Competition Chair at nyulegiscompetition@gmail.com. Competitors will receive prompt notification of any clarifications of the rules, and will be bound by the clarifications effective at the time of notification.

B. Additional Rules / Rule Amendments

The Competition Committee reserves the right to promulgate additional Rules for the operation of the Competition, or to amend existing Rules as the need arises. New Rules, or amendments to the Rules, will be distributed to competitors should the need arise, and will be binding on competitors in the competition cycle during which the changes are made, effective at the time of promulgation.

C. Grade Appeals

If a Competitor believes his or her scores were tabulated erroneously or graded incorrectly, he or she must contact the Competition Chair, in writing, within forty-eight hours of score release. The Competition Chair will review the appeal and respond within forty-eight hours. The Competition Chair's disposition of the appeal is binding and final.

APPENDIX A
72-Hour Budget Review Act

Section 1. {Title}

(A) This Act shall be known and may be cited as the “72-Hour Budget Review Act.”

Section 2. {Statement of Purpose}

(A) The Legislature finds that participation in the legislative process improves the quality of proposed legislation by allowing the opportunity for its detailed review by interested parties. The opportunity for a detailed review by the public prior to hearings or votes on legislation increases public trust in government and enhances respect for the Legislature by ensuring that its operation is conducted with the openness, order, and dignity befitting [insert state]. It is the intent of the Legislature, therefore, to prohibit hearings or votes on appropriation and/or revenue related bills until 72 hours after the bill’s public introduction.

Section 3. {Definitions}

(A) “Appropriation related bill” means any bill authorizing an appropriation of funds for state operating, capital or transportation expenses.

(B) “Revenue related bill” means any bill raising revenue for operating, capital or transportation expenses.

(C) “Amendment” means any proposed change in a bill.

(D) “Striking amendment” means any amendment removing everything after the title of a bill and inserting a whole new bill.

(E) “Publicly available” means posting a bill on the Legislature’s website and its publication in a bill report, committee report, and/or conference report.

(F) “Shall” means the obligation or duty to perform; no discretion is granted.

Section 4. {Hearings or votes prohibited for 72 hours.}

Hearings or votes on appropriation and/or revenue related bills shall be prohibited until 72 hours after the bill is made publicly available. The 72-hour time period excludes Saturdays, Sundays and holidays except when the legislative body considering the bill is in session on such a day.

Section 5. {Amendments}

(A) Amendments offered to appropriation and/or revenue related bills shall not be considered in order unless made publicly available 24 hours prior to any vote. The 24-hour time period excludes Saturdays, Sundays and holidays except when the legislative body considering the bill is in session on such a day.

(B) Striking amendments shall not be considered in order unless made publicly available 48 hours prior to any vote. The 48-hour time period excludes Saturdays, Sundays and holidays except when the legislative body considering the bill is in session on such a day.

Section 6. {Act’s applicability to multiple stages of bill consideration.}

(A) The time sensitive prohibitions of this Act shall apply each time a new version of an appropriation and/or revenue related bill is considered. This includes consideration of conference recommendations.

Section 7. {Exemptions}

(B) The time sensitive prohibitions of this Act for hearings or votes shall be waived upon a two-thirds vote of the full committee or legislative body considering the appropriation and/or revenue related bill. For bills adopted utilizing this exemption, the following section shall be added to the text of the bill and the bill report: “The (insert legislative body/committee) has waived the people’s right for a detailed review of this bill as required by the ‘72-Hour Budget Review Act.’”

Section 8. {Severability clause.}

Section 9. {Repealer clause.}