



## The Advocates for Life Legal Writing Contest

Thank you for your interest in the 2013 Advocates for Life Legal Writing Contest, administered by Americans United for Life. Please read this document carefully before submitting your entry.

### Eligibility

- This contest is open to law students at ABA-accredited law schools who graduate in the spring of 2013 or later.
- This contest is open to individuals and to pairs. If a pair competes, both members of the pair must be students at ABA-accredited law schools who graduate in the spring of 2013 or later. If a pair wins first, second, or third place, the monetary prize will be split equally between the two co-authors.

### Entries

- Entries must be responsive to the prompt, which can be found on the next page.
- Entries must be saved as a Microsoft Word document and emailed to [advocates@aul.org](mailto:advocates@aul.org), **no later than 11:59 p.m. on Friday, September 20, 2013.**
- Entries should use 12-point Times New Roman font, be double spaced, and have one-inch margins.
- Please include a cover page which states your name, school, and month and year of graduation. **This information may not appear anywhere else in your entry**, so that all entries will be judged blind.
- The maximum word count, without footnotes, is 10,000 words. Shorter entries are strongly encouraged.
- Citations must be formatted according to the Bluebook.
- Any entry that is not the author's original work and/or contains plagiarism will be excluded from the contest.
- Any entry that has been previously published will be excluded from the contest.

## Prompt

State has the following statute on homicide:

### State Criminal Code Chapter 1, §1: Definitions

- (1) Homicide is the knowing or intentional killing of one human being by another.
- (2) For purposes of this chapter, the term “human being” includes an unborn child at every stage of gestation from conception until live birth.
- (3) The term “unborn child” means a member of the species *homo sapiens*, at any stage of development, who is carried in the womb.

### State Criminal Code Chapter 1, §2: Limitations

- (1) This chapter does not apply to acts which cause the death of an unborn child if those acts were committed during an abortion performed by a licensed physician to which the pregnant woman consented.
- (2) This chapter does not apply to the consensual good faith performance of medical practice, including diagnostic testing, therapeutic treatment, and the lawful prescription and use of medication, when provided to a pregnant woman by a physician or other licensed health care provider.
- (3) Nothing in this chapter shall be construed to allow the charging or conviction of a woman with any criminal offense in the death of her own unborn child in utero.

Subsequent sections of State Criminal Code Chapter 1 divide homicide into degrees and prescribe various sentencing possibilities. The maximum penalty for first-degree murder is life imprisonment. All common-law criminal defenses (e.g. duress, self-defense) are available in State.

State legislature then passes a piece of legislation, the Prenatal Right to Life Restoration Act (“the Act”), which strikes Chapter 1, §2(1) from the State Criminal Code and replaces it with the following text:

This chapter applies to abortions performed by licensed physicians. ‘Abortion’ means the act of using or prescribing any instrument, medicine, drug, or any other substance, device or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of an unborn child; remove a dead unborn child caused by spontaneous abortion; or remove an ectopic pregnancy.

The Act also contains the following findings of fact:

- (1) The life of each human individual begins at fertilization. This is not an opinion or an unknowable mystery, but a demonstrated scientific fact.
- (2) The laws of this State and of many other jurisdictions reflect the widespread medical and societal consensus that human life begins prior to birth. Unborn children receive legal recognition in many areas of law, including but not limited to fetal homicide prosecutions, wrongful death actions, and probate matters. The lack of recognition for unborn children in the law of abortion is an anomaly.
- (3) Abortion presents significant short-term and long-term risks to women. The most comprehensive studies now available indicate that abortion is not safer than childbirth, in contrast to the more limited data available in 1973. In addition, studies show that abortion presents a risk of premature birth and low birth weight in subsequent pregnancies. This State has a strong interest in preventing these adverse health outcomes.
- (4) This State rejects the notion that abortion is necessary to achieve gender equality. The impressive achievements of women in this State need not come at the expense of unborn children.
- (5) For all of the above reasons, the Supreme Court's abortion decisions are fundamentally flawed.

A group of abortion providers operating in State immediately sues the State Attorney General in federal court. The Act is enjoined during litigation. The abortion providers argue that the Act is unconstitutional under *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992). State acknowledges the Act's incompatibility with these precedents, but seeks to have the precedents revisited by the Supreme Court.

The abortion providers prevail in the District and Circuit Courts. The Supreme Court of the United States grants State's petition for writ of certiorari. Before the Supreme Court, the federal government joins State in asking for the reversal of *Roe v. Wade*, thereby allowing each state to legislate the legal status of abortion.

You are the Chief Justice of the Supreme Court. Write the majority opinion in favor of State.

## Judging

- Entries will be judged on two dimensions:
  - Scholarly excellence: Entries should apply appropriate constitutional principles and legal precedents, and analyze relevant historical and sociological information. Clearly articulated arguments, correct grammar, and thorough citations are essential.
  - Inspirational tone: Authors should strive to achieve an appropriate tone for the momentous occasion of overturning *Roe v. Wade*.
- Judges will be selected from the legal academy and the pro-life bar.

## **Prizes**

- The first-place author will be awarded \$1000, and the winning entry will be published in *Human Life Review*.
- The second-place author will be awarded \$750.
- The third-place author will be awarded \$500.
- In addition, the first-, second-, and third-place authors will all be recognized at the Advocates for Life reception in January 2014.

## **Rights**

By submitting your entry to this contest, you grant Americans United for Life a non-exclusive right to distribute your entry and excerpts of your entry.