ELI-ABA “ENDANGERED ENVIRONMENTAL LAWS”
STUDENT WRITING COMPETITION

The Environmental Law Institute and the American Bar Association’s Section of Environment, Energy, and Resources announce the second annual “Endangered Environmental Laws” Student Writing Competition. We invite law students to submit papers exploring issues at the intersection of constitutional and environmental law, as a means to reinforce and defend environmental protection at the federal and state levels.

AWARD: $2000 cash prize and offer of publication in ELI’s Environmental Law Reporter (“ELR”), the only attorney-edited law review covering environmental and natural resource issues. The competition deadline is April 13, 2007.

TOPIC: Any topic addressing recent developments or trends in U.S. environmental law that have a significant constitutional law or “federalism” element.

Some examples of specific topics include, but are not limited to, the following:

1) Challenges to plaintiffs’ “standing” to sue to enforce federal environmental laws.

*Examples:* standing issues in the pending Supreme Court case of *Massachusetts v. Environmental Protection Agency*, No. 05-1120 (on appeal from 415 F.3d 50 (D.C. Cir. 2005)); the decisions in *Natural Resources Defense Council v. Environmental Protection Agency*, -- F.3d --, 2006 WL 2472144 (D.C. Cir. 2006) and *Nuclear Information and Resource Service v. Nuclear Regulatory Commission*, 457 F.3d 941 (9th Cir. 2006); or the pending case of *Cary v. Hall*, No. 05-4363 (N.D. Cal.).

2) Potential constitutional challenges to state and regional efforts to combat global warming, such as claims under the Compact Clause, or Treaty Clause, or political question, preemption, or dormant Commerce Clause doctrines.

*Examples:* issues raised by the Regional Greenhouse Gas Initiative (RGGI) pact to cap carbon dioxide emissions; the “political question” case of *Connecticut v. American Electric Power Co., Inc.*, 406 F. Supp. 2d 265 (S.D.N.Y. 2005), currently on appeal in the Second Circuit; the pending case of *Central Valley Chrysler-Jeep, Inc. v. Catherine Witherspoon*, No. 04-6663 (E.D. Cal.); or the recent climate pact between California and the United Kingdom on reducing greenhouse gases.

3) Attacks on the scope of federal legislative and regulatory power to protect the environment, and efforts to constrain that power through the Commerce Clause.

4) Attacks on state and local efforts to protect the environment under such constitutional and federal law doctrines as preemption and the dormant Commerce Clause.

*Examples:* the preemption decision in *CSX Transportation, Inc. v. Williams*, 406 F.3d 667 (D.C. Cir. 2005); or the circuit split highlighted by the dormant Commerce Clause decisions in *United Haulers Association, Inc. v. Oneida-Herkimer Solid Waste Management Authority*, 438 F.3d 150 (2d. Cir. 2006) and *National Solid Wastes Management Association v. Daviess County, Kentucky*, 434 F.3d 898 (6th Cir. 2006), rehearing denied, 446 F.3d 647.

While these examples are meant to illustrate possible topics, students remain free to choose other, similarly current topics within the field of constitutional environmental law.

**ELIGIBILITY:** Any student currently enrolled in law school (including those outside the U.S.) may submit an entry. This includes students graduating in the spring or summer of 2007. Any relevant article, case comment, note, or essay may be submitted for the competition, including writing submitted for academic credit. Jointly authored pieces are also eligible as long as all authors are students. Pieces that have been previously published, or that are slated for publication, are not eligible for this competition.

**DEADLINE:** Entries must be emailed no later than 5:00 PM ET on April 13, 2007. Please email essays to Yen Hoang at hoang@eli.org. You will receive a confirmation by email. Questions about the contest should also be emailed to the above address, or call 202-939-3822.


**SUBMISSION REQUIREMENTS:**

**Cover page.** This page must include the following information:

- Title;
- Author’s name, year in law school, and expected graduation date (The author’s name and law school must NOT appear anywhere in the essay itself, other than on the cover page);
- Law school name and address;
- Author’s permanent and school mailing address, email address, and phone number (IMPORTANT: indicate effective dates for all addresses);
- Abstract (limited to 100 words) describing the piece;
- Certification that the article has not been published and is not slated for future publication, and if a jointly authored article, that all authors agree to submit the article to this competition; and
- Statement as to where the author(s) learned about this competition.

**Format.** Submissions may be of any length (up to a maximum of 50 pages), including footnotes, in a double-spaced, single-sided, 8.5 x 11-inch page format with 12-point font (10 for footnotes). Citation style must conform to the current edition of The Bluebook: A Uniform System of Citation. Please submit all essays by email attachment in Microsoft Word format, with the cover sheet included as a separate attachment.

**CRITERIA AND PUBLICATION:** The prize will be awarded to the student work that, in the judgment of the Environmental Law Institute and the American Bar Association, best highlights current issues in constitutional environmental law and advances the state of scholarship. While there is only one cash prize, the Institute reserves the right to extend additional offers of publication, or to determine that no submission will receive the prize.