

JUDGE THOMAS TANG WRITING COMPETITION 2020

The State Bar of Arizona Council on Minorities and Women in the Law is pleased to announce the annual Judge Thomas Tang Writing Competition. The competition is named after the late Honorable Thomas Tang, who served on the United States Court of Appeals for the Ninth Circuit, in recognition of and to honor his special achievements and interest in diversifying the legal profession.

History of the Competition

In 1993, the Board of Governors of the State Bar of Arizona adopted the Statement of Goals for Increasing Minority and Women representation and retention. This Statement promotes cultural and gender diversity in the Arizona legal profession by suggesting ways in which law firms and corporate, government, or public agency law departments can increase the representation and retention of minorities and women in the legal profession.

In support of the Statement of Goals, the Committee on Minorities and Women in the Law established the Judge Thomas Tang Writing Competition to heighten the awareness of law students about the importance of a diverse legal profession and to help ensure that future members of the Bar will strive to support diversity in the legal profession.

Eligibility

All law students attending Arizona State University's Sandra Day O'Connor College of Law and the University of Arizona's James E. Rogers College of Law are eligible. As in past years, \$1,000.00 will be awarded for first place and \$500.00 will be awarded for second place.

Deadline for Submission

Essays must be delivered via email to Kimberly Nye at Kimberly.Nye19@gmail.com, no later than 5:00 p.m. Arizona time on Friday, June 19, 2020.

Essay Requirements

Essays must be the original work product of a single individual and must be prepared for this competition and not previously published. No multiple-author entries will be accepted. This essay contest does not allow for editing of essays by any others.

Each entrant must assign to the State Bar of Arizona Council on Minorities and Women in the Law all rights, title, and interest in the essay submitted. It is the policy of the Council to relinquish the assignment of rights in all but the winning essays after the judges have made their decision.

The essay is to be double-spaced in Times New Roman font with a character size of at least 12-point. The total number of words, including titles, citations, and all material in footnotes, must not exceed 1,000 words. There is no page limit, just the word limit. You may rely on the word count feature of your word processing program (remember to include titles, citations, and footnotes in the word count).

Please do not place your name on the essay itself. Instead, include in the body of your email the following information:

1. Your full name
2. Your full mailing address
3. Your telephone number
4. The title of your essay
5. The name of your law school
6. Your expected graduation date

Submission of an essay automatically signals your agreement to be bound by the following statement:

I hereby assign to the State Bar of Arizona Council on Minorities and Women in the Law all my rights, title, and interest in the essay now submitted by me. I certify that I am an eligible entrant and that the essay was prepared by me for this competition and has not heretofore been published. I agree to abide by the decision of the judges of the competition and the selection of the winning essays. If my entry is judged to be the winner, I also agree to the editing of the essay by the Council, by the Arizona Attorney, or by any other State Bar of Arizona publication.

The 2020 Essay Topic

In the recent *Brush v. Nib* case, the lower court held that Phoenix's anti-discrimination ordinance may be applied against a wedding invitation creator, denying the company's request for an order allowing it to refuse services to same-sex couples. Arizona's Supreme Court later reversed and held that the city ordinance was unconstitutional *as applied in that particular set of circumstances*, essentially allowing the company the right to not be forced to create custom wedding invitation designs for same-sex couples due to its sincerely held religious beliefs. The holding was based on article 2, section 6 of the Arizona Constitution as well as the Free Exercise of Religion Act (FERA). It was a close decision and several dissents were authored.

The Court cited Justice Jackson's opinion in *West Virginia State Board of Education v. Barnette*:

We would be wise to heed his warning about government efforts to compel uniformity of beliefs and ideas [a]s governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. . . . Ultimate futility of such attempts to compel coherence is the lesson of every such effort from the Roman drive to stamp out Christianity as a disturber of its pagan unity, the Inquisition, as a means to religious and dynastic unity, the Siberian exiles as a means to Russian unity, down to the fast failing efforts of our present totalitarian enemies. Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard.

319 U.S. 624, 641 (1943).

The Court categorized this case as being about freedom of speech and religion versus discriminatory conduct based on a customer's sexual orientation.

1. How could different circumstances change the Court's decision?
2. How can we balance religious freedoms with LGBTQ rights?

The purpose of the competition is to generate civil debate on matters related to diversity. **All viewpoints are welcome.** Entries are judged by their clarity, reasoning, originality, and technical quality of writing. Research and citations are not required, but are permitted. Entries are to be submitted electronically according to the instructions on the previous pages. **Entries are due by 5:00 p.m. Arizona time on Friday, June 19, 2020.** The winners will be notified by June 30, 2020.

Questions about the competition should be directed by email to Kimberly Nye (Kimberly.Nye19@gmail.com), Chair of the Tang Writing Competition.