

## 2011 HCLS Writing Competition Topic

On March 23, 2010, President Obama signed health care reform legislation: “The Patient Protection and Affordable Care Act.” Pub. L. No. 111-148, 124 Stat. 119 (2010), as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029 (2010), (the “Health Reform Act”).

Section 1501 of the Health Reform Act requires that, beginning in 2014, all individuals (with certain limited exceptions) must purchase federally-approved health insurance or pay a penalty, (the “Individual Mandate”).

Spirited challenges to the constitutionality of the Individual Mandate have been mounted in several lower courts across the country, so far with differing results. A primary focus of those challenges is whether the Individual Mandate violates the Commerce Clause of the United States Constitution, (the “Commerce Clause”).

You are a law clerk to the Chief Justice of the United States Supreme Court. The Chief Justice believes this issue will soon work its way to the Court and the Chief wants to familiarize himself with the issue. You have been asked to write a research memo to the Chief stating your position on the issue of whether the Individual Mandate violates the Commerce Clause. In your memo, you may briefly summarize the factual background, but do not belabor the facts. The Chief is more interested in your interpretation of the law.

The Chief values brevity, so your memo should be no more than 4,000 words.

Your memo is due no later than August 1, 2011.

Instructions for submission of papers: Please submit papers, double spaced, as a Word attachment to: [tarnowsc@trinity-health.org](mailto:tarnowsc@trinity-health.org).