



Scharps Memorial Legal Essay Competition

About the Essay Competition

The **Benjamin and David Scharps Memorial Award** was established in the will of Hannah S. Hirschhorn in honor of her brothers, Benjamin and David Scharps who were attorneys. The gift for the award was accepted by the SUNY Board of Trustees in 1974. The funds have been used to award students who are prelaw or have an interest in legal studies. As per the bequest, the prize is awarded to a student who writes the best legal essay on the subject determined by the Chancellor or designee. First Prize is \$1500, Second Prize is \$1000.

Eligibility

Competition for the prize is open to SUNY students in their *junior year*.

Campus Instructions for Essay Submissions

Award applicants will submit a 2,000-word essay that is responsive to the chosen topic. Submission is to be sent in standard essay format. End notes and footnotes are acceptable. No pictures or illustrations are to be included. Additionally, the use of artificial intelligence (A.I.) generators is prohibited. Any essay submissions found to be a product of A.I. will be disqualified. Preferred essay format is described below.

Essays written by students are submitted to a campus point of contact, who may submit a maximum of three essays for their campus. The Campus president appoints a single faculty or staff coordinator who will endorse each essay submitted indicating the he or she has read the essay and considers it of high quality and representative of the best of that campus. This is done by letter sent to SUNY University Life.

The essay will be submitted to SUNY Office of University Life by the campus faculty or staff coordinator. Please send all to the attention of Tamara Mariotti, Assistant Director of Disability Resources; a member of University Life and Opportunity Programs Operations, at tamara.mariotti@suny.edu

The SUNY Office of University Life in consultation with the Selection Committee will make final recommendation to the Provost for approval. The winner of the competition will be announced in early spring.

Timeline

Announcement to all SUNY Campuses	November 22, 2024
Deadline for entries	January 24, 2025
Winner(s) selected	March 2025



Benjamin and David Scharps Memorial Legal Essay Competition

Application Cover Sheet for 2025

Submit this form for each nomination. Note that there may only be three submissions per campus.

1. Campus Stony Brook University

2. Student's Name

Address (for correspondence)

E-mail

3. Name and Title of Campus Coordinator

Karen Kernan

Director, Undergraduate Research & Creative Activity (URECA)

Address

Union 111-06, SBU, Stony Brook, NY 11794-3257

E-mail

karen.kernan@stonybrook.edu

Phone

631.632.7114

4. Campus coordinator's signature, indicating support of the submission and judgment that it is of high quality and representative of the campus.

5. Date submitted to System Administration _____

Note: A copy of the application (this cover sheet & essay) should be sent to via email to: tamara.mariotti@suny.edu or by mail to Tamara Mariotti, State University of New York, H. Carl McCall Building, Room 1001, 353 Broadway, Albany, New York 12246, and must be received on or before January 24, 2025.



Benjamin and David Scharps Memorial Legal Essay Competition

Specific Instructions for Essay Participants

Essay Parameters

This is a closed-universe essay question, meaning that only the facts as they are written, and the authorities provided, should be considered when you prepare a response to the essay question posed.

The facts presented should be considered as undisputed. In your analysis, you must accept the facts as-is, meaning you must take them exactly as they are written. You are not permitted to make up any facts that are not provided in the record, or make any assumptions based on the facts as they are presented.

While completing this essay task, you should refrain from looking to any other sources for information. Additional outside research may interfere with completing the task as instructed, which is to analyze and evaluate the issues presented and to draw a legal conclusion using only the sources cited in the authority. Additionally, you are not permitted to cite from any authority other than the law and cases provided in the attached. This means you cannot use or rely on newspaper articles, law review articles, or any other sources which you believe are relevant to the question presented. Additionally, the use of artificial intelligence (A.I.) generators is prohibited. Any essay submissions found to be a product of A.I. will be disqualified. The purpose of prohibiting other sources in your analysis is to see how effectively you can craft a legal argument using only the sources of information provided to you.

Additionally, outside sources may lead you to believe there is a right or wrong answer. However, for purposes of this essay, there is no right or wrong conclusion to each of the questions posed, and your essay will not be evaluated based on the conclusion you reach. Instead, your essay will be evaluated based upon your analysis that leads to your conclusion in each of the issues. Therefore, you should attempt to compare the facts of the cases provided in the authority to the facts of the instant case as a persuasive tool to reason why the court should decide one way or another.

Your essay should be 2,000 words or less.

Evaluation Methodology

Your essay will be judged based upon how effectively you've articulated the law and court cases and applied them to the fact pattern provided to reach a conclusion. You will be evaluated based upon how well you articulate the law, and the reasoning you offer to support your conclusions for each issue. Please be sure to include any proper citations when citing a law or a case, as you will be evaluated on your ability to attribute a particular law or reasoning to a source.

We look forward to reviewing your essay submissions. Thank you for being a part of a great award opportunity.



Benjamin and David Scharps Memorial Legal Essay Competition

2025 Scharp's Essay Topic A Fox in Whose Hen House?

The Dixons own a one-hundred-acre ranch in the rural State of Grainger. The Dixon family has owned the ranch for over fifty years. Sean Dixon is the current owner of the ranch, and he lives there with his two children. Ten of the acres on the west side of the ranch are developed and contain the Dixon's three-bedroom home, horse stables, a hay barn, a dairy barn, and a fenced-in area to train horses. The adjacent seventy acres to the east of the Dixon home is comprised of pastures, hay fields, and grazing areas for a herd of fifty cows. Due to some financial difficulties, Dixon sold the remaining eastern-most twenty acres to Dana and Jessie Bratton, who purchased the land in 2004.

On the Bratton's twenty acres, there is a one-bedroom cabin where the Brattons live. Over the years, the Brattons have built a small farm for themselves. In 2006, they built raised beds for a large vegetable garden, a small horse stable for their horse, Clyde, and a pen to hold four goats. Dana and Jessie loved the companionship of their animals and being able to harvest their own vegetables. They wanted to be able to harvest their own eggs as well and grow their farm so, in 2010 they constructed a pig pen with one pot-belly pig named Pinky, and renovated an old, dilapidated tool shed into a twenty-foot by thirty-foot chicken coop. A fence was installed around the coop to keep predators out.

Once a month, Dixon would take his horse and ride around the perimeter of his eighty acres to inspect the land. He would do this to make sure nothing unexpected happened in the areas of his property that he does not visit every day. For instance, he will occasionally find travelers who pitch tents or hunt on his land who do not realize they are on private property. During one of his monthly inspections, he came to the perimeter of his ranch and the Bratton's land. He noticed his horse start to get skittish and that Clyde and Pinky were also acting stressed. Dixon then heard a commotion in the chicken coop and realized that the fence around the coop was open. Seeing that the Brattons were not home, Dixon descended from his horse and went to see what all the commotion was about. A fox made it into the chicken coop and began attacking the chickens! Dixon picked up a rake he found nearby, went into the coop, and was able to scare away the fox.

As Dixon closed the fence to ensure the fox could not get back in, he went to put the rake away and realized the old tool shed that had been in that same spot was missing. After closer inspection of the chicken coop, he could see remnants of where the old tool shed was renovated. This upset Dixon, not because he missed the tool shed, but because the tool shed was not included in the twenty acres, he sold to the Brattons. This is the first time that he noticed the tool shed was missing.

Wanting to maintain his relationship with the Brattons, Dixon tried to think of a solution where he could obtain the value for the tool shed and the twenty-foot by thirty-foot piece of land the chicken coop was built on without destroying the chicken coop or just giving up the land. Dixon offered to sell the Brattons the land for a reasonable price, but they refused. The Brattons felt that the tool shed had no value before they renovated it and that the chicken coop does not interfere with Dixon's use of the land. Dixon felt the survey of the Bratton's land was very clear before the final sale and has documentation showing the property line ended just before the shed. Dixon now claims that he owns the chicken coop because it is on his property. In response, the Bratton's filed a claim for adverse possession over the chicken coop, which would give the Brattons ownership over the land and the chicken coop.

You are a law clerk for Judge Kelsey Stannis in the fictional State of Grainger. You are asked to write an objective memo analyzing whether the Brattons have a successful claim of adverse possession and who owns the chicken coop.

You may consider the following sources, rules, and facts:

1. The State of Grainger has a statute of limitations for adverse possession of ten (10) years.
2. Grainger's Rule (requirements) for Adverse Possession

The adverse possessor obtains legal possession of the property if the possession of the property is:

1. Continuous
 - a) Must maintain continuous possession of the property for the time of the statute of limitations.
2. Hostile
 - a) Does not mean "hostile" or "angry" – means that the possession infringes on the rights of the true owner and the true owner did not give permission to use the property.
 - b) If the true owner consents or gives permission for the use of the property, it is not hostile.
3. Open and Notorious
 - a) Possession must be obvious through quick observation, putting the owner on notice (making the owner aware) that someone else is in possession.
4. Actual
 - a) The adverse possessor is actually in possession of the owner's/someone else's property.
5. Exclusive
 - a) The adverse possessor does not share control of the property with anyone else and excludes others from possession of the property, as if they were the owner.

3. Case Law

- Gelles v. Sauvage, No. 22380/15E, 2023 WL 2150607 (N.Y.S.3d Feb. 21, 2023)
- Luminant Mining Co., L.L.C. v. PakeyBey, 14 F.4th 375 (5th Cir. 2021)

- North Carolina v. Alcoa Power Generating, Inc., 135 F.Supp.3d 385 (E.D.N.C. 2015)
- Quality Ag Service of Iowa, Inc. v. Burlington Northern and Sante Fe Ry., 809 F.3d 386 (8th Cir. 2015)
- United States v. 179.9 Acres, More or Less, of Land in Jackson Cnty., Ky., 107 F.Supp. 265 (E.D. Ky. 1952)