



Diversity & Inclusion

2012 Diversity Bar Examination Grant Application

Please submit your completed and signed application, along with additional required documents, by email to **diversity@osbar.org**, or by fax to (503) 598-6933.

This form has been optimized to save, print and email using Adobe Reader™. Download the current version at **get.adobe.com/reader**.

Questions? Contact Toni Kelich: (503) 431-6338, or toll-free in Oregon (800) 452-8260 ext. 338

Criteria and Evaluation

1. Candidates must file their Oregon State Bar Examination applications with the Oregon State Bar by the bar examination grant application deadline. The grant is subject to qualifying for and taking the Oregon State Bar Examination.
2. Grant determinations are based on a combination of the following:
 - Personal Statement(35 points)
 - Legal Writing Ability(25 points)
 - Academic Achievement(15 points)
 - Financial Need(15 points)
 - Work Experience and Honors.....(10 points)
3. The following Application Form and Materials are due by the grant deadline. Incomplete applications will be rejected if materials are not submitted in a timely manner.
 - Application Form(Parts A - E)
 - Law School Transcript(unofficial or official)
 - Financial Need(Part F)
 - Personal Statement(Part G)
 - Legal Writing Sample(Part H)

Deadlines

- February 2012 Bar ExamDecember 15, 2011
- July 2012 Bar ExamApril 15, 2012

Part A: Certifications and Authorizations

Status of Oregon State Bar Examination Application

I filed my examination application with the Oregon State Bar on _____, 20____, and the bar examination application is [select one] approved/pending. I have read and understand the criteria used to process and evaluate my Oregon State Bar Examination application and know of no information or reason that could result in my being denied admission to the Oregon State Bar on moral or ethical grounds. I understand that the evaluation of the Scholarship Application is based in part on your communication and analytical skills. I certify that I did not have a professor, lawyer, or other third person review or revise my Personal Statement or Writing Sample before submitting it to the Grant Committee. All of the materials and information provided in support of my Oregon State Bar Diversity Bar Grant Application and provided to the Oregon State Bar in connection with my Bar Examination application and admission is true, correct, and there are no material omissions from either application.

Applicant Signature

Date

Certification of Non-Relationship

I certify that I am not related to any member of the Board of Directors, officer, or employee of the Oregon State Bar Diversity Bar Grant Application Committee or to any member of the Board of Governors, officer, or employee of the Oregon State Bar. I understand that, if I am disqualified for misrepresenting my relationship with any of the aforementioned or for any or other reason, I will not be eligible to receive a bar grant from the Oregon State Bar Diversity Committee and will be required to forfeit the award.

Applicant Signature

Date

Authorization to Use Information, Name, and Likeness and Confidentiality

I understand that the Oregon State Bar requires the right to use my name and likeness as part of its efforts to promote its core values of diversity and inclusion. The right to use my name and likeness does not include the right to use materials and information submitted in connection with my Scholarship application, and such information will remain confidential unless I expressly give the Oregon State Bar written permission to use the required materials and information. I authorize the Oregon State Bar, in its discretion, to use my name and likeness to promote the Oregon State Bar's goals of diversity and inclusion.

Applicant Signature

Date

Consent and Authorization to Obtain Information

I acknowledge and represent to the Oregon State Bar and the Grant Committee that I have read the Criteria, Instructions, Conditions, Application and related materials for the Oregon State Bar Diversity Bar Examination Grant. I consent to and authorize the Oregon State Bar to request and obtain information relevant to my Grant Application and future admission to the Oregon State Bar. I release and hold harmless the Oregon State Bar and my Law School from any claims, damages, or liability whatsoever as a result of the disclosure to or use of Grant Application materials and information provided such disclosure is for the purpose of determining whether I am entitled to receive the Diversity Bar Examination Grant stipend. I also acknowledge and agree that, if any information contained in my Grant Application is not true, complete, or accurate, or if material information has been omitted, I could be disqualified from receiving or may have to forfeit any grant award that I receive from the Oregon State Bar, including reimbursing the Oregon State Bar for any expenses or money incurred in recovering the received grant. I further agree and acknowledge that all decisions by the Grant Committee to award the Oregon State Bar Diversity Bar Examination grant are made in the sole discretion of the Grant Committee, that its determinations are confidential, and that all decisions are final.

Applicant Signature

Date

Note: Applicants who submit Oregon State Bar Diversity Bar Examination Grant Applications without signing and dating all of the certifications and authorizations will be disqualified from consideration for a bar examination scholarship stipend award.

Part B: Background and Personal Information

1. Name: _____
2. Mailing Address: _____

3. Permanent Address: _____
4. E-Mail Address: _____
5. Telephone Number: _____

6. Personal: Please answer the following:

- Yes No Have you previously received an Oregon State Bar Diversity Bar Examination Grant?
- Yes No Have you ever been placed on academic probation?
- Yes No Have you ever been required to withdraw from any school for academic reasons?
- Yes No Have you ever been the subject of any disciplinary action taken by any school or college?
- Yes No Have you been required to interrupt your undergraduate or graduate coursework for one or more terms for any reason?
- Yes No Have you ever been convicted of a felony or misdemeanor?
- Yes No Are there any criminal charges pending against you other than charges for a minor traffic violation?
- Yes No Have you been separated from a branch of the armed services of the United States or other country under conditions that are less than honorable?

If you answer "yes" to any of these questions, please explain the circumstances fully in a separate statement.

An affirmative answer to any of these questions does not disqualify an applicant from receiving a Bar Exam Grant award, however the Affirmative Action Committee retains discretion to consider the information in awarding grants.

Part C: Educational Background

(If you attended more than one Law School, please provide the name of the institution).

1. Law School: _____
 - a. Years Attended: _____
 - b. GPA: _____
2. Law School: _____
 - a. Years Attended: _____
 - b. GPA: _____
3. LSAT Score: _____

Part D: Awards, community service, Honors

(Please list any community service, honors, including participating on an academic journal or moot court board, or awards for civic, government, or private sector work.)

Part E: Work Experience

(List your legal-related work experience, if any, and describe your responsibilities or assignments.)

1. _____

Employer	Start Date	End Date
Address	Phone	
Position/Title	Supervisor's Name	
Address	Phone	
Duties		
Average hours worked per week		

2. _____

Employer	Start Date	End Date
Address	Phone	
Position/Title	Supervisor's Name	
Address	Phone	
Duties		
Average hours worked per week		

3. _____

Employer	Start Date	End Date
Address	Phone	
Position/Title	Supervisor's Name	
Address	Phone	
Duties		
Average hours worked per week		

Part H: Writing Sample

(All applicants must provide a writing sample that addresses the issues set forth below to assist the Grant Committee in evaluating the applicant's legal analysis skills. Your writing sample will be judged on the following: organization – proper paragraph and sentence structure; style – word choice; and mechanics – grammar, spelling, and punctuation.)

Background Facts and Assignment

Your law firm, Fields and Meadows, represents Abigail Adams in a wrongful death action against her deceased father's health insurance company, Care Wise, who administered a Medicare health insurance plan known as Advantage Wisdom. (I-1.) Quincy Adams, Ms. Adams' father, was enrolled in Advantage Wisdom. (I-2.) Mr. Adams' doctor recommended that Mr. Adams have a six-month colonoscopy check-up following the removal of a polyp during his regularly-scheduled colonoscopy examination. (I-3.) Care Wise refused to pay for the follow-up examination and Mr. Adams did not have the follow-up examination performed because the cost of the examination was not covered by insurance. (I-4.) Mr. Adams died of colon cancer. (I-5.)

Fields and Meadows sued Care Wise in Brennan state court, and the law firm representing Care Wise demanded that the parties submit the dispute to arbitration because the Advantage Wisdom enrollment agreement contains an arbitration clause. (I-6.) The Care Wise law firm acknowledges and concedes that the Advantage Wisdom arbitration clause does not satisfy the Brennan Insurance Contract (BIC) Act, which states in part, that: "All health care plans that contain arbitration provisions must disclose the provision in at least 14-point bold font above the signature line." (I-7.) Nevertheless, Care Wise counsel insists the Advantage Wisdom arbitration clause is enforceable because the Federal Arbitration Act (FAA) and the Medicare Act preempt the BIC arbitration restrictions. (I-8.)

Under the FAA, a federal statute of general application, an arbitration clause is "valid, irrevocable, and enforceable unless the contract at issue was procured by fraud, duress or unconscionability." (I-9.) The FAA does not preempt state laws prohibiting arbitration disputes unless the state law at issue focuses *only* upon arbitration provisions contained in an otherwise valid agreement. (I-10.) Under the McCarran-Ferguson Act, the federal law regulating insurance, a state law prohibiting arbitration is not preempted if the arbitration restrictions "relate to or are part of state laws regulating the business of insurance." (I-11.) An "insurance regulation" is defined as "a law that impacts the insurance industry or a law that is directed at the industry." (I-12.)

The Medicare Act does not expressly preempt state law; however, it prevents companies engaged in the business of insurance from distributing Medicare marketing and information materials to the public unless the Secretary of Health and Human Services has determined that the content is accurate and not misleading. (I-13.) Applying the Medicare Act, courts hold that Congress did not intend the Act to occupy the field of regulation for the marketing of Medicare materials and information. (I-14.) Courts have not addressed whether the Medicare Act preempts state law arbitration restrictions. (I-15.) Care Wise counsel insists that the Medicare Act preempt the Wisdom enrollment form. (I-16.) As you know, under conflict preemption jurisprudence, a federal law preempts a state law if the regulated person or entity cannot comply with federal or state regulations or the state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." (I-17.)

Please draft a research memorandum for Fields and Meadows that **does not exceed five pages** addressing the following issues: first, whether the FAA preempts the BIC arbitration requirements; and, second, whether Medicare preempts the BIC arbitration requirements. Your written analysis should resemble a memorandum from one attorney to another and **include citations to the Background Fact** supporting your analysis. You should include a short summary of the relevant fact; however, you do not need to include a separate Short Answer. **Because this is a two-part memorandum, you must address each issue separately.** In each part of the memorandum, you should incorporate the relevant facts, use only the applicable legal principles referenced in the Background Facts, and present a well-reasoned conclusion.

Paper Size, Line Spacing, Margins, Type Style, and Typeface:

The research memorandum must be on 8 ½ by 11-inch paper with one-inch margins on all four sides. The text must be singled-spaced and double-spaced between paragraphs. Headings, if used must be single-spaced. You must use plain, roman style type. The typeface must be 12-point font. Page numbers must be included on all papers and placed in the bottom margin. **All papers must adhere to format specifications and not exceed five pages; failure to do so will adversely affect your application.**