慶辰法律事務所
ChingCheng Attorneys at Law

2024 Legal Writing Competition

2024 法律寫作競賽

Inter-University Competition among NTU, NCCU, NTPU, SMU

臺大、政大、北大、新加坡管理大學 聯校競賽

Event Date: 2024/10/01 to 2024/12/31

活動日期:2024/10/01~2024/12/31

華訊智財顧問有限公司
China Intellectual Property Information and Consulting Co.

About the Organizers主辦單位簡介

CIPIC Consulting Co., Ltd.

At CIPIC, our mission is to connect China and the world, as well as technology and the market. We draw on our expertise and many years of experience researching and analyzing patents to help our clients identify and take new technological development directions and understand and unlock the value of their patents.

- Our Services: Patent Search, Patent Analysis, Patent Information, Intellectual Property Consulting, International Legal Consulting.
- Our Areas of Expertise: we conduct intellectual property searches and analyzes in the fields of biomedicine, medical devices, semiconductor, and electronics.

於2012年創立，以高階智慧財產權資訊與顧問服務為客戶開啟專利訊息的寶庫,藉由專業的智慧財產權研究分析能力成為
- 技術發展方線的發現者
- 專利價值的評估者
- 專利價值的實現者

- 核心服務: 專利檢索/專利分析/專利資訊/智慧財產權顧問/涉外法律顧問
- 研究分析領域: 生物醫藥、醫療器械、半導體及電子資訊等所涉及的智慧財產權

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ChingCheng Attorneys at Law

Established in 2012, ChingCheng Attorneys at Law is a full-service law firm offering specialized services including patent prosecution and intellectual property consulting services in addition to more traditional legal services. We notably provide mainland and foreign investors with one-stop legal services in connection with their investments in Taiwan. Furthermore, our legal experts have incorporated American-style case management and analysis techniques into their practice to further increase our efficiency and competitiveness.

- Our Philosophy: we believe that legal services should meet four essential criteria: efficiency, communication, commitment, and integration. Outstanding lawyers must provide the most valuable services to clients in the shortest time, possess the expertise for global legal strategy thinking, and excel in cross-disciplinary and international communication. We take pride in upholding these four standards to deliver top-notch legal services to our clients.
- Our Services: Corporate Law, Securities Law, Capital Markets, Domestic and Foreign Investments, Intellectual Property, Cross-Strait Economic and Trade Law, Complex Litigation.

本所創立於2012年，除提供傳統法律事務之外，並同時提供專利申請，智慧財產權顧問等服務， 專精於陸資以及外資來台投資的一站式法律服務， 並引進美國訴訟行模式與案件分析管理技巧， 在訴訟事務上更為專業。

- 理念: 好的法律服務應符合以下四項要求: 效率、溝通、投入與整合。優秀的律師要能在最短的時間內提出對客戶最有價值的服務，並有足夠的專業做全球化之法律策略思考及進行跨領域與跨國界的溝通。本所以能提供客戶符合以上四項標準之法律服務為當然要求。
- 核心服務: 公司法/證券交易法/資本市場/海內外投資/智慧財產權/兩岸經貿法律/複雜訴訟。

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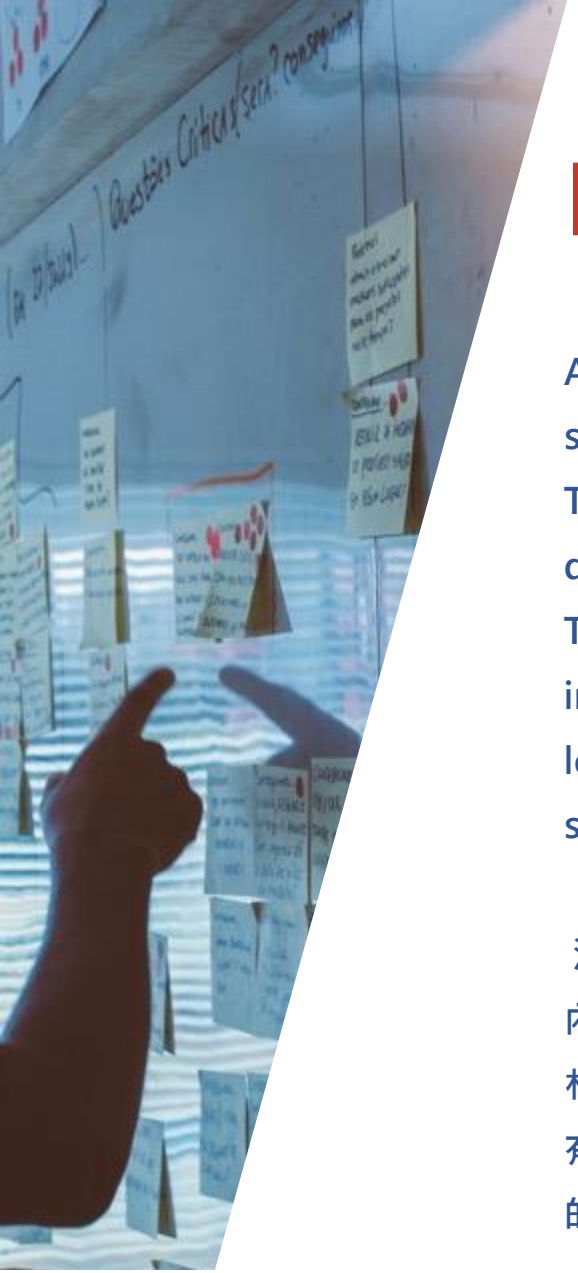

Event Objectives 活動目的

A substantial portion of any legal professional's work involves drafting legal documents, and the quality of such documents typically serves as the primary benchmark for evaluating his or her competence. However, in Taiwan, legal professionals have often not received sufficient training in legal writing, putting them at a disadvantage in the global legal landscape.

To address this issue, our firm initiated the "Legal Writing Competition" several years ago, and this year invited multiple universities to join and participate. Our objective is to introduce the culture and training of legal writing, akin to that found in American law schools, to Taiwan. Through this initiative, we aim to significantly enhance the writing skills of legal professionals in Taiwan.

法律人工作的產出很大一部分是法律文書，所以法律文書的品質良窳就成為評判一位法律人能力的最主要標準。然而國內律師及司法人員長期以來卻非常欠缺專業法律寫作能力的訓練，致使台灣的法律人在當今國際化的環境下，與國外律師相較其競爭力顯然不足。

有鑑於此，本所首創「法律寫作競賽」舉辦多年，並採用聯校競賽方式進行，期望透過此次活動，將美國法學院行之多年的法律寫作訓練與文化在台灣扎根，以期對台灣法律人的寫作能力提升能貢獻綿力。

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Eligibility參賽資格

- Third and fourth-year undergraduate law students
  法律系三、四年級學生
- Postgraduate law students
  法律研究所研究生
- Students from the Graduate Institute of Interdisciplinary Legal Studies
  科際整合法律研究所研究生
- For individual participation only; group participation is not allowed.
  限個人名義參賽，不開放團體報名

Prizes得獎獎金

- **First prize 首獎: NTD 30,000 NTD or USD 900**
- **Second Prize 二獎: NTD 20,000 or USD 600**
- **Third Prize 三獎: NTD 10,000 or USD 300**
- **Outstanding Work 1 佳作1 : NTD 5,000 or USD 150**
- **Outstanding Work 2 佳作2 : NTD 5,000 or USD 150**

■ Licensing Terms

Participants will retain the copyright of the papers they submit but agree to grant the organizers the right to publicly release press releases or conduct other promotional activities related to this event. Participants also authorize the organizers to quote and publish the submitted papers without charge; provided, however, that the organizers should clearly indicate the author's name to respect copyright.

參賽者保有所提交論文的著作權，但應同意授權主辦單位就本次活動對外發布新聞稿或進行其他宣傳活動，並授權主辦單位無償引用並發表所提交之論文（主辦單位將明確標示作者名以示尊重著作權）。

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Essay Topic 競賽論文題目

ESG（E for Environmental、S for Social, G for governance）is a hot topic. Some people say that ESG should be set as a legal rule requiring all the companies to follow, but some people say that ESG should be left for business moral and law should not step in.

Please write a short essay, less than 3 pages, expressing your position and your supporting reasons.

Note: Essay Format撰寫格式

Please follow the American essay format, including a clear thesis statement, supporting reasons, and a concluding statement that supports your position. No need for footnotes or citations.

採用美國Essay模式。要有明確的主題句(Thesis Statement)、理由(Reasons)及支持作者所採立場的結論(Conclusion)。

不需附註或標示引用文獻。語文限制英文書寫 字數限制 WORD檔 3頁之內。

- Please refer to the attached exhibits for evaluation criteria and preparation guidelines.

評分標準及準備方式，請參考附註。

Event Date

- Submission Date投稿日期: 2024/10/01
- Deadline截稿日期: 2024/12/31
- Review Date評審日期: 2024/01/01~2024/01/24
- Winners List Announcement公布得獎名單: 2024/02/10

- Please note that updates and announcements related to this event will be posted on our official website.
  請注意系所官網之活動公告

Contact information

- Please contact Ms. Leah Wu for any inquiries related to this event:
  若同學對本活動有任何問題，請與本所負責此活動之專員-吳香諭小姐聯繫。
  E-mail : leah_wu@chingcheng-law.com

- Updates and announcements related to this event will also be posted on the official websites of the participating law schools.
  各校系辦處官網 - 活動公告之承辦窗口

Exhibit 1: Evaluation Criteria

All submitted papers will be anonymously reviewed by Attorney James Hou and one faculty member assigned from each participating law school. Each reviewer will account for 50% of the total score, and the highest combined score will determine the winners.

We are seeking essays that adhere to the principles and style of legal writing prevalent in the American legal profession, as opposed to the traditional format taught in domestic judicial training institutes. Accordingly, we believe that good papers should meet at least the following criteria:

First, your paper should reflect formal logic. While traditional Chinese literature emphasizes rich and meaningful expressions, Western legal documents prioritize logical consistency. It is important to note that logic is not synonymous with concepts or systems; instead, it focuses on a deductive process.

Second, your text should be expressive, precisely conveying your intent with concise language. Points may be deducted for vague or unclear language.

Third, the overall persuasiveness of your writing is crucial. Legal documents, whether judgments, lawyer pleadings, legal opinions, or even essays, all aim to persuade readers to accept their viewpoints. A legal document that fails to persuade is essentially ineffective.

附註：評分標準

所有提交之論文將統一由法律系辦進行匿名，並由各校法學院指派院內老師一名以及侯慶辰律師共同評分，給分各佔50%，合計取總分最高者得獎。

我們提倡的是美國律師界的法律寫作觀念與風格，而不是國內司法官訓練所教授的傳統公文書。 我們認為好的法律文書至少須符合以下要求：

第一，具備形式邏輯性(formal logics)。傳統中國文學強調言之有物，但西方法律文書更重視的是其論理的邏輯性。需提醒的是，邏輯並不等於概念或體系，邏輯強調的是一種推導的過程。

第二，文字具有表現力，也就是能用簡潔的文字精確地表達作者的意思，用語模糊或不知所云將予以扣分。

第三，整體文風的說服力，法律文書（不論是判決、律師訴狀、法律意見書、乃至論文），都是在試圖說服讀者接受其觀點。無法說服人的法律文書，等於是沒有效用。

Exhibit 2: Preparation Guidelines

Participants are encouraged to explore some American court judgments to gain a better understanding of the U.S. judicial writing style and the structure of legal reasoning. Additionally, participants may conduct online research to better grasp the significance and structure of an essay. Then may also watch Attorney James Hou's video (right click to link to website) tutorial as a reference.

Below is an excerpt from a judgment written by U.S. Supreme Court Justice Scalia for your reference:

Allowing a counterclaim to establish "arising under" jurisdiction would also contravene the longstanding policies underlying our precedents. First, since the plaintiff is "the master of the complaint," the well-pleaded-complaint rule enables him, "by eschewing claims based on federal law, … to have the cause heard in state court." *Caterpillar Inc.*, *supra*, at 398–399. The rule proposed by respondent, in contrast, would leave acceptance or rejection of a state forum to the master of the counterclaim. It would allow a defendant to remove a case brought in state court under state law, thereby defeating a plaintiff's choice of forum, simply by raising a federal counterclaim. Second, conferring this power upon the defendant would radically expand the class of removable cases, contrary to the "[d]ue regard for the rightful independence of state governments" that our cases addressing removal require. See *Shamrock Oil & Gas Corp.* v. *Sheets,* 313 U. S. 100 (right click to link to website) , 109 (1941) (internal quotation marks omitted). And finally, allowing responsive pleadings by the defendant to establish "arising under" jurisdiction would undermine the clarity and ease of administration of the well-pleaded-complaint doctrine, which serves as a "quick rule of thumb" for resolving jurisdictional conflicts. See *Franchise Tax Bd.*, *supra*, at 11. For these reasons, we decline to transform the longstanding well-pleaded-complaint rule into the "well-pleaded-complaint-*or-counterclaim* rule" urged by respondent. (HOLMES GROUP, INC. v. VORNADO AIRCIRCULATION SYSTEMS, INC. 13 Fed. Appx. 961, vacated and remanded.)

附註：準備方式

建議同學可以試著閱讀一些美國判決，學習其文風及推理。另外，請自行上網試著瞭解一下Essay的意義及其架構，並可以參考侯慶辰律師的短片 。

底下是一段美國大法官Scalia執筆的一段判決文供參考：

Allowing a counterclaim to establish "arising under" jurisdiction would also contravene the longstanding policies underlying our precedents. First, since the plaintiff is "the master of the complaint," the well-pleaded-complaint rule enables him, "by eschewing claims based on federal law, … to have the cause heard in state court." *Caterpillar Inc.*, *supra*, at 398–399. The rule proposed by respondent, in contrast, would leave acceptance or rejection of a state forum to the master of the counterclaim. It would allow a defendant to remove a case brought in state court under state law, thereby defeating a plaintiff's choice of forum, simply by raising a federal counterclaim. Second, conferring this power upon the defendant would radically expand the class of removable cases, contrary to the "[d]ue regard for the rightful independence of state governments" that our cases addressing removal require. See *Shamrock Oil & Gas Corp.* v. *Sheets,* 313 U. S. 100 , 109 (1941) (internal quotation marks omitted). And finally, allowing responsive pleadings by the defendant to establish "arising under" jurisdiction would undermine the clarity and ease of administration of the well-pleaded-complaint doctrine, which serves as a "quick rule of thumb" for resolving jurisdictional conflicts. See *Franchise Tax Bd.*, *supra*, at 11.

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