

Question I (maple syrup labeling requirement) (48 points)

Dormant Com Cl issue(1), Discrim - not on face, but in effect? (local syrup preference)(4) _____
Protectionist motive?-protection of consumers vs. local maple syrup industry------(4) _____
If discrim-legit purpose? any less discrim alt means to protect consumers?------(4) _____
Balancing Test-benefit vs. burden-\$ loss vs. consumer protection-more than slight?------(6) _____
Preemption issue(1), Valid fed law? commerce power-labeling of product shipped in IC(4) _____
Express nonpreemption language-if not inconsistent with act not preempted------(3) _____
Is Act consistent or inconsistent with the FDA - concerned w/more than nutrition------(3) _____
Implied-conflict-compliance w/both is possible-imitation label doesn't violate FDA------(3) _____
Conflict in purpose-undermine fed purpose?- reduce nutrition?, increases label accuracy?(4) _____
Field preemption-does fed'l preempt field of maple syrup labeling?------(4) _____
DP-nonfund rt, min scrut'y-apply(3), EP-syrup vs other imitation foods, min scrut-apply (6) _____
Miscellaneous _____(3) _____

QII (Technology Workforce Training Act) (60 points)

Spending Power-4 pt Dole test-nat'l welfare, ambiguous, reasonably related, indep bar-(2) _____
Apply Dole test to facts of question: Challenger's argument and govt argument------(8) _____
Coercion-lose 85% existing funding for higher ed, not just new revenue-like gun at head(4) _____
Compare to Medicaid-2% state budget vs 10%, lose 85%, not all, like a new program?--(5) _____
State Autonomy-test-state can't be forced to implement or enforce fed'l law; provision of info to help feds enforce isn't enforcement, but info is used for enforcement; Printz vs. Condon(7) _____
Commerce Clause-what category case? Category 3 – regulation of local activity, etc.---(4) _____
Eco activity? (regulating behavior of unemployed people to help them get back to work)(6) _____
If eco, apply test-could Cong conclude local activity has subl eco effect on IC-aggregate(5) _____
If noneco, apply Lopez factors (jur element, findings, too attenuated connection to IC?)-(5) _____
Regulate existing commerce vs. create commerce (forcing people to train for tech jobs)-(7) _____
Class of activities or comprehensive regulatory program arguments?------(4) _____
Miscellaneous _____(3) _____

QIII (Stone Insurance Reform Act/abortion health insurance coverage) (36 points)

Nature of Right- Fundamental right-rt to terminate a pregnancy or economic rt------(4) _____
Undue Burden Test (UBT)-DD argues places subst'l obstacle- poor women w/no insurance (group most burdened) will be unable to afford to pay for abortion even if due to health-(5) _____
UBT Purpose-(DD)-argues purpose to hinder access to abortions-impermissible purpose(3) _____
Undue Burden Test-gov argues only makes it cost more, eco burden, not enough burden(5) _____
UBT Purpose (gov)-argues purpose to save \$/show respect for life as stated in preamble(3) _____
If undue burden, can gov't satisfy strict scrutiny standard?------(3) _____
If not undue burden, can gov't satisfy minimum scrutiny standard?------(3) _____
Abortion funding cases analogy, but that was gov't \$, this is reg of private insurance------(3) _____
No health exception in statute, only life exception-argue Casey requires both------(2) _____
But not re whether can have abortion, about insurance paying so exception not relevant-(2) _____
Miscellaneous _____(3) _____