

QI (Excessive Unemployment Law) (50 points)

P & I Cl-res v. nonres? But nonres from nonrestrictive (NR) sts treated like res---(4)____
 Flesh & blood Indivs-9 pls can sue, but not corps (on behalf of employees?)------(3)____
 Rt essential to interst harmony-gov't employmt no, private employmt yes - Camden case treated
 this situation as rt to private employmt-working for private contractors------(4)____
 Stand of rev-sub'l reason for dif in treatmt-nonres source of evil (enough evid?)--(4)____
 Degree of discrim-100% discrim ag res of NR states-less discrim alts?-study showed 50% of
 jobs, plus evid unskilled res workers not nonres create problem------(5)____
 No market participant exception------(1)____
 Dorm Com-discrim ag OOS com?-not ag res of NR sts or OOS gen'l contractors-(4)____
 Strict test-legit reason/no less restrictive alts-apply test to facts------(4)____
 Eco protect'ism-eco well-being-lower unemploymt rate at expense of other states(4)____
 If nondiscrim - Pike balancing test-apply test to facts------(4)____
 Market partic exc-state build'g pub wks projects, controlling who works (White)(4)____
 EP-res v. nonres?, res not suspect-rat'l relation betw classif and end (jobs for res)(3)____
 DP-nonfund'l rt, rat'l basis, apply to facts------(3)____
 Miscellaneous _____(3)____

QII (transgender parent child custody case) (50 points)

DP-rt to custody of bio child born during marriage-fund'l rt or nonfund'l rt?-----(1)____
 Precedent-CC-parent custody-Troxel, Michael H; TT-trad'l family-Michael H--(4)____
 History and tradition-CC-history of maternal custody over young children, right to parent bio
 child; TT- no tradition of parent who has undergone gender reassignment------(4)____
 Central to personal identity - rt to retain custody of child; rt to gender identity---(3)____
 S/R-if fund-strict scrutiny (compg int, least restrictive alt); if nonfund-rat'l basis(2)____
 Undue burden test? Loss of custody is an undue burden------(2)____
 Apply strict scrutiny-CC and TT-best int of children?/other alternatives?------(5)____
 Apply minimum rationality - CC (no legit reason) and TT (best int of children)-(3)____
 EP-Classif-gender?M/W who change gender vs. M/W who don't (M/W in both)(3)____
 Classif?-transgender indivs vs. other males & females-still a gender classif?------(3)____
 Suspect?-transgender persons-apply criteria-history/unrelated to ability/pol powerlessness
 stigmatize/immutable-central to identity?------(7)____
 S/R-strict/intermediate/minimum rationality-state the elements of the tests used-(2)____
 CC applies the various standards(4)/TT applies the various standards(4)------(8)____
 Miscellaneous _____(3)____

QIII (National Domestic Violence Registry) (domestic violence offenders - DVO)(50 pts)

Com Cl - Feds argue Category 1 or 2 (DVOs traveling in or affecting int com)-(5)____
 AA argues Cat 3-reg'd local activity-DV or presence of DVO (wk, school, live)(5)____
 Eco vs. noneco activity? Feds argue eco (comprehensive scheme); AA noneco-(6)____
 If eco, could Congress rationally conclude local activity in aggregate has subl eco effect on IC-
 what is reg'd local activity? DV or registration-Feds & AA apply subl effect test(6)____
 If noneco-Feds & AA apply Lopez factors-jur element-findings-link to IC------(9)____
 State autonomy-Feds-state only required to provide info not reg behavior------(4)____
 Stone-info used for reg purposes to enforce crim law ag DVOs------(4)____
 Spending power-feds argue not using spending power-using Com Cl-so coercion doesn't matter
 since a reg not conditional spending; enforcemt-fine equals amt of grant \$------(5)____
 State argues doesn't satisfy Dole Test/Coercive-not given choice-gun at head---(3)____
 Miscellaneous _____(3)____