

Question I (adult foster home for the handicapped) (40 points)

- args for challenger-equal protection-classif based on phys handicap------(1) _____
- hist. of discrim,lack of pol power,immutable,often used to stigmatize------(3) _____
- suspect or semisuspect like gender-heightened scrutiny-can't satisfy------(3) _____
- min rat-no legit distinction-other residents have large vans------(2) _____
- paternalism (stereotypes) to assume know where group should live------(1) _____
- preemption-valid fed'l law-effect on commerce and 14thA, §5------(2) _____
- express preemption-law reflects bias ag. handicapped------(2) _____
- conflict-can't comply with both, undermines federal objective------(2) _____
- occupation of field------(2) _____
- due process-nature of rt (right to live together), standard, application------(2) _____
- args for state-classif nonsuspect-phys handicap like mental retardation------(1) _____
- not discrete group, pol power-ADA, prevent laws that help, slippery slope------(3) _____
- traits of suspectness-trait relevant to ability, not pol powerless etc.------(3) _____
- min rat-safety, real dif in terms of equipment, not based on bias------(2) _____
- can also satisfy heightened scrutiny------(2) _____
- preemption-is fed'l law valid-no effect on interst commerce------(2) _____
- 14th A, §5-Congress can't outlaw private discrim (Ht of Atlanta)------(1) _____
- no express preemption-only laws based on bias-this one is not------(2) _____
- no conflict-can comply with both,furtheres same policy doesn't undermine------(2) _____
- no occup of field, most antidiscrim laws have state parallels------(1) _____
- due process------(1) _____
- BONUS POINTS-miscellaneous and special level of understanding------(3) _____

Question II (federal ban on human cloning) (40 points)

- args for challenger-commerce clause-local not interstate activity------(1) _____
- insufficient relationship between cloning & eco effect on interst commerce------(3) _____
- reproduction is noneconomic activity------(2) _____
- there were no findings of effect on interstate commerce------(1) _____
- area of trad'l state concern------(2) _____
- 5th A Due Proc-fund'l rt-privacy,procreate w/in marriage,form a family------(2) _____
- tradition, like Griswold & Roe, also absolute deprivation of right------(3) _____
- can't satisfy strict scrutiny-not nec'y means to compelling end------(3) _____
- can't satisfy minimum rationality review------(1) _____
- args for federal gov't-ban on interst shipment is w/in commerce power------(1) _____
- ban on cloning-cloning has eco effect on interstate commerce------(3) _____
- cloning is eco activity-fertility industry------(2) _____
- cloning is not area of trad'l state concern since new development------(2) _____
- 5th A Due Proc-nonfund'l liberty-no tradition or social consensus------(3) _____
- Griswold & Roe concern trad'l methods of reproduction,not undue burden------(2) _____
- satisfies minimum rationality------(2) _____
- if fund'l-necessary means to achieve compelling ends------(2) _____
- BONUS POINTS-miscellaneous and special level of understanding------(3) _____

Question III (bona fide office requirement for bar membership) (40 points)

- args for challenger-Privilege & Immunity Clause of Article IV------(1) _____
- even thought no facial discrim betw res and non res-discrim in effect------(2) _____
- flesh and blood challenger-Sullivan, but not Brooks------(1) _____
- right to practice law-Piper-essential to interstate harmony------(2) _____

sub'l int-----	(1)_____
degree of discrim(just get office)sub'lly related to imp objective,alts-----	(3)_____
<u>dormant commerce clause</u> -----	(1)_____
eco protectionism-----	(1)_____
discrimination against interstate commerce-----	(1)_____
undue burden without more than illusory local benefit-----	(3)_____
eq protection-what classif-lawyers w/instate offices vs. those without-----	(2)_____
hidden discrim ag. nonresidents-----	(1)_____
suspect classification?-----	(2)_____
application of stand of review-----	(3)_____
<u>due process</u> -rt to pursue occupation-min scrut-ratl means to legit end-----	(2)_____
<u>args for state-priv & imm</u> -no dif treatmt of nonres-all must have office-----	(2)_____
no rt to practice law w/o an office,not essential to interstate harmony-----	(1)_____
sub'l int & degree of discrim is sub'lly related to achieve interest-----	(2)_____
<u>dormant commerce clause</u> -no protectionism-----	(1)_____
no discrimination ag interstate commerce-----	(1)_____
no undue burden and more than illusory benefit-----	(3)_____
eq protec-nonsuspect class-min rat-use of classif is rat'lly related-----	(2)_____
<u>due proc</u> -rt to pursue occupation-nonfund'l rt-ratl means to legit end-----	(2)_____
BONUS POINTS-miscellaneous and special level of understanding-----	(3)_____