LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
JULY 2026

QUESTION 1 (40 POINTS)

The mayor of Williamstown, Ralph Reed, also is the reverend of Flowing River, a small traditional church. Flowing River has been losing members of its congregation to a newer and much larger church, Mighty Word. Reverend Reed used his position as mayor to propose an ordinance providing that all "large gatherings" (defined by the ordinance as gatherings of 500 or more persons in one location) require security guards to be present at least two hours before, during, and two hours after any such gathering. Persons or entities organizing large gatherings without the required security will be fined $5,000 for each event in violation. In his capacity as Mayor, Reverend Reed appeared before the Williamstown Council to propose that they adopt the ordinance. He argued that large crowds, such as those that have been appearing several times each weekend at Mighty Word, were "an accident waiting to happen" unless the council acted immediately. Councilmember Jones interjected that, as far as she was aware, there had not been any accidents as a result of any large crowd gatherings and she did not see the need for the ordinance. Mighty Word had so far been able to use traffic cones and requests and reminders to its congregants to drive slowly while entering and exiting the Mighty Word neighborhood and parking area, and there were no reported traffic accidents or other known public safety issues from its services. The Williamstown Council President, who is a member of Flowing River, quickly spoke up in favor of the mayor's proposal and convinced the remaining council members to adopt the ordinance.

After the ordinance passed, the mayor had the Sheriff (who also attends Flowing River) station deputies outside of Mighty Word for each of its four, regularly-held weekend services and count the number of attendees for each service. Deputies were told that, each time at least 500 people attended a service without a security guard present, they were to issue a citation to Mighty Word's pastor, Paul Peterson, for failing to have the required security present. After accumulating $20,000 in fines for its weekend services, Pastor Peterson reached out to the Sheriff to request security detail, to start the next weekend. The Sheriff routinely approves off-duty and on-duty details for events in Williamstown. The Sheriff, however, responded to Pastor Peterson by denying the request on the basis that the Sheriff's office cannot be seen to endorse one church over another. No other person or entity in Williamstown was fined under the new ordinance that first weekend, although a fishing rodeo and a high school prom each had over 500 people that weekend without the required security.

Please answer the following three subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

1.1 Does Pastor Peterson have a basis under the Free Exercise or Freedom of Assembly Clauses in the First Amendment of the U.S. Constitution to challenge the ordinance, and is he likely to succeed? Explain fully. (15 points)

1.2 Does Pastor Peterson have a basis under the Equal Protection Clause of the U.S. Constitution to challenge the ordinance, and is he likely to succeed? Explain fully. (15 points)

1.3 Is the Sheriff correct that, under the Establishment Clause in the First Amendment of the U.S. Constitution, she must deny Pastor Peterson's request for the Sheriff's office to provide security detail? Explain fully. (10 points)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
JULY 2026

QUESTION 2 (40 POINTS)

Harry has a vacation home in a rural area just outside a national park on its westernmost corner. Harry used the home regularly, but two years ago, he was in a serious car accident in his home state, 500 miles away. He had several extensive reconstructive surgeries over the last two years and did not visit the property during that time.

About a year and a half ago, due to a series of recent forest fires, the federal government determined that a new access road is needed for fire trucks to service the western edge of the park. The Parks Service, the federal agency in charge of the national park, determined that the best place for the road to be built to facilitate access to the western edge of the park is through the fishing pond that sits on Harry's land. The pond is 200 feet from Harry's vacation home, which abuts the western edge of the national park.

Before building the road, the Parks Service posted on the door to Harry's vacation home notices describing its plans and informing Harry of the dates for an open meeting and a hearing to discuss the building of the road. The Parks Service also mailed to Harry's vacation home two official notices of the meeting and the hearing, and staff called the phone number to which Harry's utility accounts are registered for the vacation home. One year after notices were provided, the Parks Service had not received any response from Harry and no one appeared on his behalf in opposition at either the meeting or hearing. A dry season was approaching, making potential fires more dangerous, and with the property appearing to be unoccupied, the director of the Parks Service decided to proceed with building the road and obtained a court order allowing it to do so.

Soon after the road was built, at the Parks Service's urging, Congress passed a new law, the "Bad Neighbor Act," making it a federal misdemeanor punishable by up to ninety days in prison and $5,000 in fines for a landowner within one mile of a national park to fail to respond to notice of the federal government's public safety concerns within 90 days.

A year after the access road was completed, Harry finally returned to his vacation property for the first time in two years. He had not received the notices or responded to the calls during his recovery. The one thing Harry was looking forward to after he recovered was fishing at his pond, but it had been destroyed by the new road. Without the pond, Harry feels like his vacation home is worthless and he is very upset. When Harry complained to the director of the Parks Service, he was met with threats of having charges brought against him under the Bad Neighbor Act for not responding to any of the notices sent to him.

Harry also learned that he would now be forbidden from selling the mushrooms he has long foraged from the wooded area on his property. In prior years, he had sold up to five pounds of mushrooms a year at about $80 per pound to a restaurant located in an adjacent state about two hours from his property. The neighboring state where the restaurant is located recently passed a law that due to the potential smoke contamination from the recent and frequent forest fires near Harry's vacation home, the importing of mushrooms foraged from across the state line was prohibited. When he called the restaurant this year, he was told they could not purchase his mushrooms due to the new state law and had to buy from someone in their own state instead. Harry was disappointed to lose this extra income from the sale of his mushrooms.

Please answer the following four subquestions. The subquestions in Question 2 are weighted equally. Explain each answer; an answer without an explanation will recive no credit.

2.1 What rights might Harry have under the Takings Clause of the U.S. Constitution to address the use of his property for the access road? Explain fully. (10 points)

2.2 What arguments might Harry raise that his procedural due process rights were violated when the access road was built without his permission, and is he likely to be successful? Explain fully. (10 points)

TEST CONTINUES ON NEXT PAGE

2.3 Might Harry be successfully prosecuted under the Bad Neighbor Act? Explain fully. (10 points)

2.4 Might Harry successfully raise a challenge under the Commerce Clause of the U.S. Constitution to the neighboring state's law forbidding the importation of his mushrooms? Explain fully. (10 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
JULY 2026

QUESTION 3 (20 POINTS)

For each of the following multiple choice items, select the letter that corresponds to the correct answer.

3.1 Standing; mootness; live controversy

3.2 Equal protection; rational basis scrutiny

3.3 Contracts clause; legislative authority

3.4 Privileges & Immunities clause

3.5 Commerce clause

3.6 Federalism

3.7 Standing for corporations

3.8 Takings clause

3.9 Adequate and independent state grounds; justiciability

3.10 State action

[End of Question 3]
END OF CONSTITUTIONAL LAW TEST

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
FEBRUARY 2026

QUESTION 1 (40 POINTS)

Parole City holds an oratory competition each year around the Fourth of July to commemorate the American Revolution. Participants give speeches about freedom and democracy and are scored on a rubric for the style and quality of their presentations. The speeches can be from a bank of historic speeches or participants can write a new speech. The judging panel is made up of winners from the past 25 years. The winner receives a cash prize of $10,000. Because the prize is so large, participants started coming from all over the state to try and win. This year, the city council's resolution setting forth the time, date, and rules for the competition added an ancestry 5-point bonus to the scoring rubric for participants who could trace their lineage to a land-owning citizen of Parole City during the American Revolution of 1776. The council hoped this change would give an advantage to people whose families were from Parole City. In 1776, over 98% of the landowners in Parole City were of European descent.

This ancestry bonus, however, angered some citizens like Michael. Michael moved to Parole City seven years ago and had placed in the top five scores for the oratory competition the past three years. Michael was of Malaysian descent with no ancestors from Parole City.

To ensure that each participant had a different speech and that each speech was tailored to the topics of freedom and democracy, the city council required that all participants submit a draft of their speech, at least two weeks in advance, for city council approval. The city council could approve or disapprove speeches and set the final order of speakers for the competition.

Samuel submitted a speech about how the city council's ancestry bonus was inconsistent with the very principles of freedom and democracy the competition was designed to honor. One day before the competition, Samuel was notified that the city council did not approve his speech because it criticized their resolution. Samuel was not allowed to compete.

After the competition, Michael finished in second place. Arthur, who now resides in England, won the competition by 2 points after being awarded the 5-point ancestry bonus. Arthur had ancestors who lived in Parole City during the American Revolution.

A week after the competition, Samuel and Michael each filed a lawsuit against the city council relating to the competition.

Please answer the following three subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

1.1 What equal protection arguments may Michael reasonably raise, if any, to challenge the city council's ancestry bonus for the oratory competition, and is he likely to succeed? Explain fully. ***In your answer to Question 1.1, do <u>not</u> address whether Michael has standing or whether his claim is moot.*** **(20 points)**

1.2 What arguments may Samuel reasonably raise, if any, to challenge his exclusion from the oratory competition under the First Amendment of the U.S. Constitution, and is he likely to succeed? Explain fully. ***In your answer to Question 1.2, do <u>not</u> address whether Samuel has standing or whether his claim is moot.*** **(10 points)**

1.3 Does Samuel have standing to assert his First Amendment claim, and is his claim moot? Explain fully. (10 points)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
FEBRUARY 2026

QUESTION 2 (40 POINTS)

Alligator meat is increasing in popularity, and producers in states like Georgia, Texas, Mississippi, and Alabama have made gains in the market. The Louisiana state legislature decided to promote the sale of Louisiana alligator meat by passing a new statute allowing only Louisiana alligator meat producers to sell directly to restaurants and consumers in Louisiana. In addition to helping local farmers and meat producers, the legislature hoped the new law would ensure that only the freshest local alligator meat would be served in Louisiana.

Under this statute, all out-of-state alligator meat producers must sell meat through grocery stores or other food retailers or wholesalers. The law further rendered invalid any existing direct sale contract from an out-of-state alligator meat producer to a Louisiana restaurant or consumer.

Texas Gators, Inc. is a Texas alligator meat producer located in Port Arthur, Texas, one mile from the Louisiana-Texas state boundary. Its sales have significantly decreased since the law's passage. Several Louisiana restaurants that previously had contracts to buy alligator meat from Texas Gators, Inc. have had to stop purchasing from Texas Gators, Inc. because their contracts were invalidated by the new statute. Because of the new law, the restaurants now have to source alligator meat directly from a Louisiana meat producer in Shreveport, Louisiana, even though Texas Gators, Inc. is significantly closer and has provided fresher meat.

Please answer the following three subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

2.1 What challenges may Texas Gators, Inc. reasonably raise under the Commerce Clause of the U.S. Constitution against the new law, and is it likely to be successful? Explain fully. (20 points)

2.2 What challenges may Texas Gators, Inc. reasonably raise under the Contracts Clause of the U.S. Constitution against the new law, and is it likely to be successful? Explain fully. (10 points)

2.3 What challenges may Texas Gators, Inc. reasonably raise under the Privileges and Immunities Clause of the U.S. Constitution against the new law, and is it likely to be successful? Explain fully. (10 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
FEBRUARY 2026

QUESTION 3 (20 POINTS)

For each of the following multiple choice items, select the letter that corresponds to the correct answer.

3.1 Free speech in schools

3.2 Commerce clause

3.3 Takings clause

3.4 State action

3.5 Adequate and independent state grounds; justiciability

3.6 Due process of law

3.7 Establishment clause and schools

3.8 Free speech clause

3.9 Standing

3.10 Standards of review based on classification of persons

[End of Question 3]

END OF CONSTITUTIONAL LAW TEST

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
JULY 2025

QUESTION 1 (40 POINTS)

A public high school recently opened in a building in Hauteville, Louisiana that formerly housed the Hauteville Museum of Art before it moved to a new location. The Hauteville School Board purchased the beautiful, old historic building to use for the new high school. The Hauteville Museum of Art ("the Museum") is a private, non-profit institution run by a board of directors, chaired by Deborah. In the sale, the Museum Board gave the Hauteville School Board a very good deal on the building (taking $800,000 off the fair market value price of $3 million) on the express condition that the Museum could continue to hold its annual Spring Gala in the grand hall of the building at no cost to the Museum.

After the sale, the Museum announced that the theme of its next gala was "Mother Mary: Celebrating Sacred and Secular Depictions of the Virgin Mary." The gala decorations and marketing materials would include images from the Museum's new exhibit carrying the same title and be hung all over the school. Upon learning of this theme and that the gala would be celebrated in their children's high school, a group of non-Christian parents wrote and delivered to the School Board a complaint accusing it of endorsing the Christian religion by allowing an event that would put images of the Virgin Mary all over the high school. The parents urged the School Board to refuse to allow the Museum to hold the gala at the school. The School Board did not want to cancel the event as the parents suggested, particularly since it was a term of the building's sale. But as a compromise, the School Board proposed a resolution that all events held by private organizations on school property must set up and take down all decorations and supplies for the event outside regular school hours of 7:30 a.m. to 3:30 p.m., Monday-Friday. The Hauteville Museum of Art Spring Gala was traditionally held on a Monday evening, and, if it kept the date the same, the resolution would leave only a few hours for the Museum staff to set up and take down for the event.

At the next School Board meeting, no one was happy. Deborah argued on behalf of the Museum that the resolution was not in the spirit of the prior deal because it unduly limited the time available to set up for the gala. Several parents argued that the resolution did not go far enough to prevent the school's name from being associated with religious art. Also in attendance were hundreds of student protestors who carried posters of art that would be exhibited at the gala and the slogan "School board fascists, restrict this!" The protest was organized by Ted, the tenured high school art teacher of thirty years (tenured teachers have a property right in their continued employment). He had promised extra credit for any student who participated in the protest, so many more students attended the meeting than usual. At the meeting, the School Board still passed the resolution. The School Board then voted to terminate Ted for organizing the protest, despite his demands for a lawyer and a hearing before any vote was taken.

Please answer the following three subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

1.1 If Ted challenges his termination as a violation of his free speech and due process rights, is he likely to succeed on either ground? Explain fully. (20 points)

1.2 If the parents who complained challenge the School Board for allowing the gala to take place as violating the Establishment Clause, are they likely to succeed? Explain fully. (10 points)

1.3 If the Hauteville Museum of Art challenges the School Board resolution as an unconstitutional taking for restricting its time to set up for the gala, is it likely to succeed? Explain fully. (10 points)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
JULY 2025

QUESTION 2 (40 POINTS)

In response to concern about the rise of big box outdoor stores promoting national hunting and fishing brands at the expense of local companies, the Louisiana Legislature passed a law to encourage and incentivize local manufacturers of hunting and fishing supplies by making all hunting and fishing supplies manufactured in Louisiana exempt from state sales tax in a "Local Manufacturer Exemption." The Legislature hoped that this competitive price advantage would encourage the purchase of locally produced hunting and fishing supplies to keep these local companies in business.

The Legislature also recently passed a law to allow local retailers with no more than one out-of-state location to accept hunting and fishing license applications for 50% less than the normal application fee in a "Local Application Discount." Retailers with more than one out-of-state location can still offer licenses under the law but only at the full fee. The Legislature hoped this increased foot traffic to local retailers also would help their businesses.

Ron's Rods, Inc. is a successful outdoor supply store incorporated in Texas with a manufacturing location in Houston, Texas for its brand-name fishing rods. Ron's Rods, Inc. also has three retail locations in Louisiana, one location in Gulfport, Mississippi and one location in Corpus Christi, Texas. Ron's Rods, Inc. saw a decrease in sales of its brand-name fishing rods in Louisiana after the implementation of the Local Manufacturing Exemption, and its retail locations in Louisiana saw a decrease in retail sales overall compared to the same time last year after the implementation of the Local Application Discount. These same decreases in fishing rod sales and overall retail sales were not seen in the Mississippi and Texas locations.

Ron's Rods, Inc. would like to bring a lawsuit to challenge the "Local Manufacturer Exemption" and the "Local Application Discount" as unconstitutional.

Please answer the following three subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

2.1 What arguments might Ron's Rods, Inc. reasonably raise to challenge the Local Manufacturer Exemption under the Commerce Clause of the U.S. Constitution, and are those arguments likely to succeed? Explain fully. (15 points) [*Do not address issues of standing in your answer to this subquestion 2.1.*]

2.2 What arguments might Ron's Rods, Inc. reasonably raise to challenge the Local Application Discount under the Equal Protection Clause of the U.S. Constitution, and are those arguments likely to succeed? Explain fully. (15 points) [*Do not address issues of standing in your answer to this subquestion 2.2.*]

2.3 Does Ron's Rods, Inc. have standing to make these Commerce Clause and Equal Protection arguments? Explain fully. (10 points)

[End of Question 2]

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LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
JULY 2025

QUESTION 3 (20 POINTS)

For each of the following ten multiple choice items, select the letter that corresponds to the correct answer.

3.1 Anti-commandeering; federalism

3.2 Supremacy clause

3.3 Equal protection

3.4 Eleventh Amendment

3.5 Time, place and manner restrictions

3.6 State action

3.7 Takings clause

3.8 Executive power; treaty power

3.9 Contracts clause; legislative authority

3.10 Privileges & Immunities clause

[End of Question 3]

END OF CONSTITUTIONAL LAW TEST

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
FEBRUARY 2025

QUESTION 1 (40 POINTS)

True crime entertainment is more popular than ever, and with the rise of social media and podcasting, Congress became concerned that across the country amateur detectives were interfering with the legitimate public safety work of federal and state law enforcement officials. Congress also commissioned economic reports studying the impact of true crime entertainment books, podcasts, and social media and found a second cause for concern when the reports showed that ordinary citizens were profiting substantially from true crime entertainment while federal law enforcement officers struggle to operate under budgetary restrictions. To respond to these two concerns, Congress passed legislation requiring states to develop a registration system called the "Crime Content Creator Registry" or CCCR, for all persons who own, operate, and profit from true crime entertainment. The federal legislation is referred to as the CCCR Act, and it has three main components.

First, chief law enforcement officers in the jurisdiction local to the content creators are required to perform a background check on CCCR registrants annually until a national registry is put in place. The Act makes failure to register as a content creator who earns income over $50,000 annually from entertainment based on actual criminal conduct a federal felony.

Second, under the CCCR Act, in order to give law enforcement officers the opportunity to take action to protect public safety, if local law enforcement officers determine that proposed published content would jeopardize an ongoing investigation, all books, podcasts, and other forms of true crime entertainment content must be disclosed to the chief law enforcement officer local to the criminal investigation that is the subject of such publication at least 48 hours before publication.

Third, each CCCR registrant is required to pay an annual registration tax equal to 1% of the registrant's profit from all CCCR covered activities, with the funding from this tax being used to support federal law enforcement activities.

Steve is the local sheriff in a small town that happens to be the home of a popular true crime podcast run by his biggest critic, Connie. Connie makes $80,000 a year from her podcast and is required to comply with the CCCR Act. Steve does not want to be forced to background check and monitor Connie's content. Connie also has no intention of registering with or sharing her content with Steve, and she does not want to pay the tax; she believes Steve is a terrible sheriff who lets crime run rampant in their community.

Please answer the following three subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

1.1 What arguments, if any, can Steve reasonably raise under the Tenth Amendment of the U.S. Constitution on behalf of the Sheriff's Office to challenge Congress' authority to enact the CCCR Act's registration requirement, and is he likely to succeed? Explain fully. (15 points)

1.2 What arguments, if any, can Connie reasonably raise under the First Amendment of the U.S. Constitution to challenge the 48-hour disclosure rule, and is she likely to succeed? Explain fully. (10 points)

1.3 What arguments, if any, can Connie reasonably raise under the First Amendment of the U.S. Constitution to challenge the federal tax on CCCR registered activities, and is she likely to succeed? Explain fully. (15 points)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
FEBRUARY 2025

QUESTION 2 (40 POINTS)

Grandeville, Louisiana is home to an arena that is equipped to host large conventions and concerts. The town of Grandeville benefits greatly from the tourism revenue brought in by the arena. To support local necessary services like police and sanitation, the town council collects a $1 per ticket service tax on all tickets sold for events in the arena. The members of the town council have noticed, however, that when the event is one primarily attended by men, arrest rates for nuisance crimes go up, there is more trash on the streets, and there are more traffic accidents. They saw this trend with the last four events that were primarily attended by men: a monster truck rally, a heavy metal concert, a biker convention, and a gun and knife show. To address this disparity, the town council voted to impose an additional $0.25 service tax on all ticket sales for events where the expected attendance is more than 60% male, as reported by the event organizers.

Peter attends and helps plan a men's prayer group convention sponsored by the church where he is a minister. Although this event is attended primarily by men and is traditionally held in the Grandeville arena, Peter does not believe the event poses any public safety hazard. He has already bought a ticket with the new service tax imposed and would like to challenge the service tax.

Peter attended a town council meeting to raise his concern and spoke out against the service tax. In his speech, however, he also accused the town council members of trying to stop his prayer meeting and being anti-religious, which deeply offended some of the council members. The town council denied his requests to repeal the service tax.

Prior to this encounter, Peter had been set for a hearing on a zoning change request before the town council to rezone some residential property his church was interested in leasing from him personally as commercial property to create a second location. Peter's church had met all the published requirements to have the property Peter owned rezoned from residential to commercial. According to local zoning procedures, his only remaining step was to present evidence of compliance to the town council and obtain approval, which approval the town council was required to grant. When Peter walked in for his hearing, the town council denied his request summarily without allowing him to present any of the required evidence of compliance. Peter requested reasons for the decision, but the town council refused to issue any.

Please answer the following three subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

2.1 What Equal Protection arguments, if any, might Peter reasonably raise to challenge the town council's $0.25 service tax on events where the expected attendance is more than 60% male, and is he likely to be successful and to what level of scrutiny is the tax subject? Explain fully. (15 points)

2.2 What Due Process arguments, if any, might Peter reasonably raise to challenge the summary denial of his zoning change, and is he likely to be successful? Explain fully. (15 points)

2.3 What First Amendment arguments, if any, might Peter reasonably raise to challenge the summary denial of his zoning change, and is he likely to be successful? Explain fully. (10 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
FEBRUARY 2025

QUESTION 3 (20 POINTS)

For each of the following multiple-choice items, select the letter that corresponds to the correct answer.

3.1 Commerce Clause

3.2 Contracts Clause

3.3 First Amendment; campaign contributions

3.4 Privileges and Immunities Clause

3.5 Due process of law

3.6 Standing

3.7 State action

3.8 Establishment Clause and schools

3.9 Equal Protection Clause; rational basis scrutiny

3.10 Takings Clause

[End of Question 3]
END OF CONSTITUTIONAL LAW TEST

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
JULY 2024

QUESTION 1 (40 POINTS)

Gregory Greenleaf was recently awarded a prestigious international award for his work setting up community gardens in urban areas throughout the United States. Though he now lived in Baton Rouge, Gregory grew up in the small town of Clearbrook, Louisiana, and the people of his hometown were thrilled by the international attention brought to Gregory's work. To recognize Gregory's achievements, a prominent business owner in Clearbrook who had recently purchased a small plot of land adjacent to Town Hall donated the land to Gregory. Gregory graciously accepted the donation and started a community vegetable garden on the land with the local non-profit corporation Healthy Helping Hands (hereinafter "HHH").

Five years later, the Clearbrook Town Council scheduled a vote to permit the building of a new multi-family housing complex just four blocks away from Gregory's vegetable garden. Gregory and the HHH members were not happy with the proposed new development, as it did not intend to use sustainable building materials and would destroy a beautiful native pine forest that was home to a variety of local wildlife. Gregory and the HHH members posted large signs all over Gregory's vegetable garden next to Town Hall raising awareness of the issue and encouraging residents to speak out against the building of the housing complex. Gregory and HHH were successful in creating so much public opposition for the project that the Town Council vote failed.

The Councilmembers didn't want to risk similar interference from Gregory and HHH on future development projects. For the next Town Council meeting, the Council noticed and voted on a proposal to expropriate and acquire the small plot of land previously donated to Gregory for the stated purpose of expanding the public meeting areas and offices in the Town Hall. In the proposal, the Town Council refused to pay any compensation to Gregory since he paid nothing for the land.

Additionally, at that same meeting, the Council voted on a second proposal to revoke a HHH's recently obtained building permit to construct a community farm on formerly abandoned land it had purchased between the garden and the proposed multi-family housing complex. The Councilmembers stated that since HHH members had publicly stated their opposition to development in the area at the last meeting, HHH should not be allowed to continue its own building project. Despite opposition from Gregory and HHH, both proposals passed.

A few months later, the Town Council put the permitting of the multi-family complex zoning project back on the council meeting agenda. HHH and its members decided not to speak out against the complex this time for fear of further angering the Councilmembers. Gregory came to the meeting to speak out against the project during the public comment period, but the Chairman did not allow him to speak. For over ten years, the Council had enforced rules limiting comments to town residents and business owners during its meeting public comment periods, and Gregory no longer resided in or owned a business in Clearbrook. This time, the proposal to build the multi-family complex passed.

Answer the following three subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

1.1 What arguments might Gregory reasonably raise for compensation for his garden under the takings clause of the U.S. Constitution? Is Gregory likely to be successful? Explain fully. (15 points)

1.2 What arguments might Healthy Helping Hands ("HHH") reasonably raise under the First Amendment to the U.S. Constitution in response to the permit revocation? Is HHH likely to be successful? Explain fully. (10 points)

1.3 What arguments might Gregory reasonably raise under the First Amendment to the U.S. Constitution against the Council's decision to not allow his public comment? Is Gregory likely to be successful? Explain fully. (15 points)

[End of Question 1]
TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
JULY 2024

QUESTION 2 (40 POINTS)

The Louisiana Legislature recently passed a law requiring that individuals applying for new permits to process live Louisiana-caught shrimp for import or export must establish that they have resided in Louisiana for at least ten years and that corporations and other business entities applying for such a permit must establish that all their shareholders or owners are Louisiana residents. However, out of concern for potential lost jobs for those currently working in shrimp processing, the newly passed law did not make the residency requirements applicable to existing processing facilities seeking to renew their permits.

The legislative history reflects the Legislature's concerns with preserving Louisiana's traditional shrimping industry, preventing foreign corporate takeovers, and ensuring that profits from the shrimping industry benefit Louisiana's economy.

Theo moved from Texas to Louisiana eight years ago and had been planning to open a shrimp processing facility, but his application was denied because he had not been a Louisiana resident for ten years.

Camille is a resident of California, but her father was born in New Orleans, Louisiana and owned and operated a shrimp processing facility in New Orleans for most of his life. Camille grew up helping in her father's processing facility and worked with him often. Camille's father sold the facility five years ago before he passed away, but the new owners were not commercially successful and the facility was put up for sale again. Camille bought the processing facility back to honor her father's memory. Camille applied for a new permit to operate the processing facility but was denied because of the new residency requirement.

Mighty Shrimp, Inc. is a Mississippi corporation that operates shrimp processing facilities throughout the Gulf South, including two existing facilities in Metairie, Louisiana and Kenner, Louisiana. Mighty Shrimp, Inc. applied for and was denied a permit to operate a new shrimp processing facility in Houma, Louisiana because its shareholders are Mississippi residents.

Answer the following three subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

2.1 What arguments should Theo, Camille, and Mighty Shrimp, Inc. make to challenge the residency requirement under the Commerce Clause of the United States Constitution? Explain fully. (20 points)

2.2 Are Theo, Camille, or Mighty Shrimp, Inc. likely to succeed in a challenge to the residency requirement under the Privileges and Immunities Clause of the United States Constitution? Explain fully. (10 points)

2.3 Camille filed a lawsuit in federal district court against the proper defendants to enjoin enforcement of the residency requirement. While the lawsuit was pending, Camille sold the building and equipment for her processing facility to a Louisiana corporation for a significant profit. The defendants filed a motion to dismiss Camille's lawsuit, arguing that an injunction is no longer necessary because Camille no longer owns the business she sought the permit for. Should the motion be granted? Explain fully. (10 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
JULY 2024

QUESTION 3 (20 POINTS)

For each of the following multiple choice items, select the letter that corresponds to the correct answer.

3.1 Establishment Clause

3.2 Executive power; treaty power

3.3 State action

3.4 Adequate and independent state grounds; justiciability

3.5 Free speech in schools

3.6 Eleventh Amendment

3.7 Contracts Clause; legislative authority

3.8 Standing; equal protection

3.9 Supremacy Clause

3.10 Standing for corporations

[End of Question 3]

END OF CONSTITUTIONAL LAW TEST