

**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]

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**LOUISIANA STATE BAR EXAMINATION
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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]

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**LOUISIANA STATE BAR EXAMINATION
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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]
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**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]

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**LOUISIANA STATE BAR EXAMINATION
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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

**LOUISIANA STATE BAR EXAMINATION
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FEBRUARY 2024**

QUESTION 1 (40 POINTS)

Since 1995, the State of Louisiana had required an annual special permit for persons who own or operate vehicles that haul sugarcane. But U.S. Department of Agriculture researchers recently determined that this state-imposed annual permit of \$100 per vehicle created an unreasonable burden on the transportation of sugarcane in interstate commerce and recommended that Congress take action to restrict states from requiring sugarcane transportation permits. In response, Congress passed the Sugarcane Access Relief Act (“SARA”), and the legislation was signed by the President, to take effect on January 1, 2024. SARA forbids any state from requiring a special permit for vehicles hauling sugarcane. The Governor of Louisiana decided to respond to the new federal legislation by ordering that the state-imposed special permit for vehicles continue to be collected until a court ordered otherwise.

Concerned about the potential impact of SARA as it was being considered in Congress, the Louisiana Legislature also responded by reviewing current safety regulations related to sugarcane farming to see if any other measures should be considered or reconsidered. Following this review, the Louisiana Legislature passed a new law providing that the burning of sugarcane in Louisiana, which aids in the harvesting of the crop, take place only under a burn permit issued by the state at a cost of \$200 per permit. The legislation included scientific support for a finding that the burn permits were necessary to protect public health and safety during prescribed burns of sugarcane.

Sugarcane farmers were very upset over the new legislation because other types of agricultural burns in Louisiana do not require a permit. Steve grows sugarcane and now is required to get a permit to burn sugarcane, but Steve’s neighbor Ricky does not need a burn permit for the rice Ricky farms. Tom’s sugarcane farm in Texas also will not need a burn permit; the farm is a major competitor of Steve’s. Steve is worried that the cost of this new burn permit being imposed on his Louisiana business will negatively affect his ability to compete with Tom’s farm in Texas.

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 under the Supremacy Clause of the U.S. Constitution, if any, might Steve reasonably assert against the State of Louisiana regarding the Governor’s order to continue collection of the special vehicle permit, and is Steve likely to be successful? Explain fully. (10 points)**
- 1.2 What arguments under the Equal Protection Clause of the U.S. Constitution, if any, might Steve reasonably assert against the State of Louisiana given that the burn permit requirement applies only to sugarcane, and is Steve likely to be successful? Explain fully. (15 points)**
- 1.3 What arguments under the Commerce Clause of the U.S. Constitution, if any, might Steve reasonably assert against the State of Louisiana regarding the burn permit requirement, and is Steve likely to be successful? Explain fully. (15 points)**

[End of Question 1]

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**LOUISIANA STATE BAR EXAMINATION
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QUESTION 2 (40 POINTS)

During the COVID-19 pandemic, residents of New Orleans developed a delightful tradition of decorating their homes like Mardi Gras floats and creating other festive lawn displays. Many of these displays became treasured in the community, but a recent wave of vandalism saw several lawn displays severely damaged or with their items stolen. Although these acts of vandalism typically could be prosecuted as misdemeanors, the Louisiana Legislature passed the Festive Display Protection Act (the “Act”) making it a felony for anyone to steal or vandalize lawn decorations from a registered festival or holiday display. The Act would apply not just to New Orleans but throughout Louisiana, and reads in full as follows:

The Legislature finds that encouraging celebration and expression of festivals and holidays on private property is beneficial to the citizens of the state and drives economic activity through encouraging visitors to come view the displays and share in the festivities. To enable law enforcement officials to properly protect such displays and enforce public order, any private home providing a festival or holiday display for the public’s viewing may register with the Louisiana Office of Cultural Development and will receive a registration certificate to display on the lawn. Whoever steals from or vandalizes a registered display shall be guilty of a felony and imprisoned at hard labor for not more than two years and fined no less than \$5,000. The Office of Cultural Development shall make available to the public a map of all registered displays to facilitate the public’s enjoyment.

Franny was a huge supporter of the Mayor in her town of Cerveaux, Louisiana, and spent a lot of time and effort working on his election campaign. At Halloween, Franny’s neighbor Nick put up an elaborate Halloween display that depicted the Mayor in an extremely negative way. Nick had registered his Halloween display with the Louisiana Office of Cultural Development and displayed his registration certificate. Franny was offended and vandalized the display. Nick had a doorbell camera that recorded her act of vandalism. Franny was arrested and charged with a felony under the Act. She claims in defense that she shouldn’t be charged with a felony under the Act because she was a sincere supporter of the Mayor and her vandalism was motivated by her sincerely held political belief, and thus protected under the First Amendment.

Believing that the display registration system was now causing more strife than cheer, the Office of Cultural Development decided to stop accepting registrations for displays with overtly political or religious messaging to avoid the appearance that the state was endorsing those messages. When Christina went to obtain her registration permit for her life-sized nativity scene at Christmas, she was denied because the display was overtly religious, and she was not listed on the map of registered displays. Christina’s neighbor Rudy, however, successfully registered his display with a life-sized Santa sleigh and all eight reindeer. Christina has now sued the Office of Cultural Development for denying her registration for a permit.

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 arguments, if any, should Franny assert to challenge the charges against her under the First Amendment, and is she likely to be successful? Explain fully. (10 points)**
- 2.2 What arguments, if any, should Christina assert to challenge the denial of her registration under the Free Exercise Clause of the First Amendment, and what defenses does the Office of Cultural Development have under the Establishment Clause? Which party is likely to be successful? Explain fully. (15 points)**
- 2.3 What arguments, if any, should Christina assert to challenge the denial of her registration under the Equal Protection clause of the Fourteenth Amendment, and is she likely to be successful? Explain fully. (15 points)**

[End of Question 2]

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QUESTION 3 (20 POINTS)

Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.

- 3.1 Congressional power
- 3.2 Equal protection; rational basis scrutiny
- 3.3 Takings Clause
- 3.4 Time, place, and manner restrictions; free speech
- 3.5 Standing
- 3.6 State action
- 3.7 Due process of law
- 3.8 Anti-commandeering; federalism
- 3.9 Eleventh Amendment
- 3.10 Establishment Clause and schools

[End of Question 3]

END OF CONSTITUTIONAL LAW TEST

**LOUISIANA STATE BAR EXAMINATION
CONSTITUTIONAL LAW
JULY 2023**

QUESTION 1 (40 POINTS)

Carla Grant was a school security officer and crossing guard at Littleton Public Elementary School in Littleton, Louisiana. When directing traffic every morning, Ms. Grant noticed that several of the children who biked to school were not wearing helmets. Ms. Grant decided to send an editorial to the Littleton Ledger newspaper with the following message, which was published in April 2023.

Parents of Littleton, I am doing my best to keep your children safe on the way to school. But if you don't even make sure they wear a bicycle helmet, why should I bother stopping cars? The Lord has entrusted these children to you, and we must protect our little miracles. From now on, I refuse to act as a crossing guard for any child on a bicycle not wearing a helmet! I'll pray that the parents of Littleton get the message and that all children wear helmets when bicycling to school.

Carla Grant,

Littleton Elementary

While serving as a crossing guard on the morning her editorial was published in the newspaper, Ms. Grant also handed out to passing parents flyers with this same message.

The Littleton School Board members were very upset to see this message in the newspaper and the flyers. Although the School Board agreed that children should wear bicycle helmets, all school board members also agreed that Ms. Grant should act as a crossing guard for all children regardless of whether they wore helmets or not. The School Board terminated Ms. Grant's contract as a security officer and crossing guard, effective immediately. Ms. Grant thought the School Board was unfair to terminate her for expressing her opinion on an important issue and suspected that the real reason for her termination was her open display of her faith in stating that she would pray for the parents of Littleton.

The Littleton City Council also was outraged that a school security officer would refuse to protect a child. At its May 2023 meeting, the City Council passed a new ordinance that made it unlawful and a criminal misdemeanor, punishable by a fine of \$1,000, for any public school security officer to knowingly fail to protect or threaten to fail to protect a child. At the next City Council meeting in June 2023, the City Council unanimously passed a resolution that Ms. Grant be fined \$1,000 for violating this ordinance based on her admission that she would refuse to protect children who were not wearing bicycle helmets.

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

- 1.1 Does Ms. Grant have a basis to challenge her termination under the Free Speech Clause in the First Amendment of the U.S. Constitution, and is she likely to succeed? Explain. (20 points)**
- 1.2 Does Ms. Grant have a basis to challenge her termination under the Free Exercise Clause in the First Amendment of the U.S. Constitution, and is she likely to succeed? Explain. (10 points)**
- 1.3 Does Ms. Grant have a basis to challenge the City Council's resolution fining her \$1,000 under the Ex Post Facto clause in Article 1 of the U.S. Constitution, and is she likely to succeed? Explain. (10 points)**

[End of Question 1]

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**LOUISIANA STATE BAR EXAMINATION
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JULY 2023**

QUESTION 2 (40 POINTS)

A recent trend on social media has people across the country releasing live butterflies with the opening of their wedding, baby shower, and birthday party invitations. The most popular species of butterfly for such a release is the Painted Lady. There is no federal permit requirement for shipping Painted Lady butterflies interstate within the continental United States.

Professor Paul Peterson, who teaches and conducts research at a prominent Louisiana university, presented evidence to the Louisiana legislature that the sudden increase in Painted Lady butterflies in Louisiana was damaging Louisiana's largest crop, the soybean crop. Soybean production in Louisiana generates over one billion dollars each year, and the crops already had been badly damaged in recent years from torrential rain. Citing the need to protect the soybean crop, the Louisiana legislature took immediate action to pass a law prohibiting the importation of all live butterflies into Louisiana without a state-issued permit establishing that such importation is necessary for research or educational purposes.

Christopher owns a company in Baton Rouge, Louisiana that supplies wedding invitations. Christopher's butterfly invitation option releases Cabbage White butterflies, which he imports from Utah. Unlike Painted Lady butterflies, Cabbage White butterflies do not damage soybeans, and Christopher stands to lose about \$10,000 a year from the new law if he is prohibited from importing the Cabbage White butterflies. Christopher thinks the law is unfair because it prohibits importing all kinds of butterflies from other states.

When the law went into effect, one of Professor Paul Peterson's graduate students, Greta, applied for and was granted a permit to import butterflies for research purposes under the new law. At the end of one winter season, after she completed one phase of her research of Painted Lady butterfly cold tolerance, she sold the remaining live butterflies to party planners in New Orleans—who paid a premium because they were so hard to get. Professor Peterson found out about the resale and reported Greta to the State permitting authorities. Her permit was promptly and permanently revoked without any opportunity for her to challenge the revocation. Because she believes her research is important to stopping the further spread of Painted Lady butterflies, Greta wants to challenge her permit revocation; she emphasizes that she sold the butterflies only in New Orleans—far from any soybean crops that could be damaged—and that the resale of butterflies within the state is not prohibited under the law.

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

- 2.1 What arguments might Christopher reasonably raise to challenge the law under the commerce clause of the U.S. Constitution, and is he likely to be successful? Explain. (10 points)**
- 2.2 What arguments might Christopher reasonably raise that the law violates his due process rights under the U.S. Constitution, and is he likely to be successful? Explain. (10 points)**
- 2.3 What arguments might Greta raise that her procedural due process rights under the U.S. Constitution were violated when her permit was revoked? Explain. (20 points)**

[End of Question 2]

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QUESTION 3 (20 POINTS)

Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.

- 3.1 Free speech in schools
- 3.2 Takings Clause
- 3.3 Time, place and manner restrictions
- 3.4 Commerce Clause
- 3.5 Adequate and independent state grounds; justiciability
- 3.6 Contracts Clause; legislative authority
- 3.7 First Amendment; campaign contributions
- 3.8 Privileges and immunities
- 3.9 Standing; equal protection
- 3.10 Executive power; treaty power

[End of Question 3]

END OF CONSTITUTIONAL LAW TEST

**LOUISIANA STATE BAR EXAMINATION
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FEBRUARY 2023**

QUESTION 1 (40 POINTS)

Foret, Louisiana held a bicentennial festival in its town square. To plan the event, the town council of Foret passed a resolution establishing a twenty-person Festival Committee to be appointed by the town council. The resolution provided that the chairperson of the Committee would be elected by a vote of the committee members and would receive a \$2,000 stipend for their work, but the resolution also required that the chairperson must be a citizen of Foret and descended from an original land-owning citizen of the town 200 years ago. The council's resolution stated that the purpose of this ancestry requirement was to keep the event focused on the historical significance of the bicentennial. This ancestry requirement angered some citizens, including Henry Howard who taught history at the local high school. Mr. Howard was of Honduran descent. He was happy to serve on the Committee but felt he was being excluded from the chairperson position based on his ancestry rather than his contributions to the town. Mr. Howard's ancestors did not live in Foret 200 years ago, a time when virtually all landowners in Foret were of English or French descent.

For planning purposes, to be able to order enough tents and tables and create a map of the festival, the Festival Committee required that anyone wishing to host a booth at the festival submit a vendor application for town council approval at least two months in advance and reasonably describe the food or merchandise that would be offered for sale at the booth. The town council President, Peter Parent, had announced his intention to run for district court judge two weeks before the vendor application deadline. On the day he announced his campaign, Mr. Parent submitted a vendor application providing that his campaign would be selling bicentennial T-shirts with the slogan "Our Parent's Foret." The town council approved Mr. Parent's vendor application three days later. Mr. Parent's opponent in the judicial election, Todd Oliver, learned that Mr. Parent was planning to have a booth at the festival and submitted his own vendor application on the day of the application deadline. Mr. Oliver's application stated that his booth would be providing campaign information and accepting donations. The town council denied Mr. Oliver's application three days later, claiming that Mr. Oliver could not host a vendor booth at the festival because he was not selling food or merchandise, and the booths were for vendors only. Mr. Oliver was not permitted to submit a revised application because the deadline already had passed.

At the festival, even though he had been excluded from the booths, Mr. Oliver and his supporters showed up in great numbers wearing "Oliver for Judge" t-shirts and passing out campaign literature to festival attendees. On motion of Mr. Parent shortly after the festival, the town council passed a resolution criticizing Mr. Oliver for taking the focus away from the historic significance of the bicentennial event and prohibiting Mr. Oliver from hosting a booth at any other town-sponsored event for two years.

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

- 1.1 What equal protection arguments under the U.S. Constitution might Mr. Howard reasonably raise, if any, to challenge the town council's resolution containing the ancestry requirement for the Festival Committee chairperson role, and is he likely to succeed? Explain fully. (20 points)**
- 1.2 What arguments under the First Amendment of the U.S. Constitution might Mr. Oliver reasonably raise, if any, to challenge the exclusion of his booth from the bicentennial festival, and is he likely to succeed? Explain fully. (10 points)**
- 1.3 What arguments under the First Amendment of the U.S. Constitution might Mr. Oliver reasonably raise, if any, to challenge the resolution excluding him from future festivals, and is he likely to succeed? Explain fully. (10 points)**

[End of Question 1]

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**LOUISIANA STATE BAR EXAMINATION
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FEBRUARY 2023**

QUESTION 2 (40 POINTS)

Louisiana's state insect is the honeybee. The state legislature decided to promote the sale of Louisiana honey by passing a new statute allowing only Louisiana honey producers to sell directly to consumers in Louisiana. In addition to helping local producers, the legislature hoped the new law also would ensure only the freshest local honey would be sold in Louisiana.

Under this statute, all out-of-state honey producers must sell their products through grocery stores or other food retailers or wholesalers. The law further rendered invalid any existing direct sale contracts between Louisiana consumers and out-of-state honey producers. Because out-of-state honey producers can no longer sell directly to consumers, their honey is more expensive, and consumers are more likely to choose in-state honey.

Mississippi Honey, Inc. is a Mississippi honey producer incorporated in Mississippi and located in Picayune, Mississippi. Its sales have decreased significantly since the law's passage. For example, Connie's Confections is a Covington, Louisiana bakery that previously had a contract to buy honey from Mississippi Honey, Inc. Connie's Confections had been perfectly happy doing business with Mississippi Honey, Inc. because it was close to the bakery and supplied fresh honey at a reasonable price. After the law's passage, Connie's Confections had to source honey directly from a Louisiana supplier in Alexandria, Louisiana, even though Mississippi Honey, Inc. is significantly closer to the bakery and had been able to provide fresher honey.

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

- 2.1 What arguments under the Commerce Clause of the U.S. Constitution might Mississippi Honey, Inc. reasonably raise against the new law, and is it likely to be successful? Explain fully. (20 points)**
- 2.2 What arguments under the Contracts Clause of the U.S. Constitution might Mississippi Honey, Inc. reasonably raise against the new law, and is it likely to be successful? Explain fully. (10 points)**
- 2.3 What arguments under the Privileges & Immunities Clause of the U.S. Constitution might Mississippi Honey, Inc. reasonably raise 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 2023**

QUESTION 3 (20 POINTS)

Each of the following multiple-choice items counts for 2 points. Select the letter that corresponds to the correct answer.

- 3.1 State action
- 3.2 Takings Clause
- 3.3 Anti-commandeering; federalism
- 3.4 Adequate and independent state grounds; justiciability
- 3.5 Takings Clause
- 3.6 Standing
- 3.7 Standing; mootness, live controversy
- 3.8 Standing for corporations
- 3.9 Equal protection; rational basis scrutiny
- 3.10 Eleventh Amendment

[End of Question 3]

END OF CONSTITUTIONAL LAW TEST