CONSTITUTIONAL LAW I

Course #121; Professor Rotunda

The time limit for the entire examination [Parts I & II] is from Noon to 2:45 p.m.

Friday, 9 December 2005

Read All Instructions Before Starting the Exam.

PART I: Noon to 12:50 p..m. (50 minutes)

This examination consists of TWO PARTS. Part I will count for one-third of your total score; Part II will count for two-thirds. This is Part I, which consists of one essay.

> This is an OPEN BOOK exam: *i.e.*, you may use your casebook and supplement, your own notes, or any outlines prepared by you or by other students *so long as you have not purchased the study aid.* You MAY NOT *use any commercial outlines or hornbooks.* If you have any such material with you, please leave them in the front of the room until after you have turned in your examination.

> PLAN the answer before writing. Credit will be given for clarity, good organization, and conciseness. Do not consider yourself to be paid by the word. If added facts are needed to answer a question, articulate your assumptions of facts *and alternative* assumptions of fact and answer the question as to all such assumptions. Discuss all issues in the essay even though your resolution of a prior issue may technically make decision of the other issues moot. However, lengthy displays of irrelevant learning, even if erudite, will be penalized. Please use your time not only to answer the question but TO THINK. Remember: **ORGANIZE** YOUR ANSWER.

AS A COURTESY TO YOUR FELLOW STUDENTS, IF YOU LEAVE THIS EXAMINATION EARLY, PLEASE DO SO QUIETLY. If you leave the room before you finish the examination, you may not take the examination or your answer with you. *Once you hand in your essay, you may not retrieve it.*

If you are writing your essay instead of using a computer, please *write on only one side* (the right side) of the paper (except for inserts), and use a pen for this portion of the examination. Then it will be easier for me to read your essay. **In the unlikely event that you need more than one examination book to answer the essay, mark each book clearly: *e.g.*,** "book 1 of 2 books." That way, I will be able to find all of your books in case they are separated. **Write your *examination number* on each booklet.** It is a good idea to use tried and true writing techniques such as paragraphs, margins, complete sentences, etc. Please avoid unusual abbreviations: I have no real interest in learning a new language in order to decipher your examination.

At **12:50 p.m.**, you will return this Part I and pick up Part II. Part II will be collected 1 ¾ hr. minutes after the start of part II. Part II will count for two-thirds of your final score. Part I will count for one-third of your final score.

Before you begin this examination, please reread lines 32-39.

EXAM NUMBER:_____

ON THIS EXAMINATION, WRITE YOUR **EXAM NUMBER**. On the answer-sheet accompanying this examination, please write your examination number (*not* your name).

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READ ALL INSTRUCTIONS BEFORE STARTING THE EXAM.

This is PART II [objective]: 1 p.m. to 2:45 p.m.

Part I will count for one-third of your total score; Part II will count for two-thirds.

OPEN BOOK: You may bring in your casebook and supplement, your own notes, or any outlines prepared by you or by other students so long as you have not purchased the study aid. **You may not use any commercial outlines, hornbooks, or materials purchased from anyone.** [If you have prohibited materials with you, please leave them in the front of the examination room until after you have completed and turned in both parts of your examination.]

READ ALL INSTRUCTIONS BEFORE STARTING THE EXAM

This section consists of **46** multiple choice questions. In answering these questions assume that *stare decisis* would be followed and pick the BEST CHOICE of the one offered, consistent with the most relevant Supreme Court holdings in this area. There will be no greater penalty for a wrong answer than for a question that is unanswered, so it is to your benefit to answer all questions. While no question is meant to be tricky, you should read all of the questions and alternative choices carefully. Pick only one alternative per question.

Once this examination is turned in, you may not retrieve it for any reason. YOU MAY NOT TAKE THE EXAMINATION OR YOUR ANSWER-SHEET OUT OF THE ROOM, EXCEPT TO TURN THEM IN. **YOU MUST RETURN BOTH THIS COPY OF THE OBJECTIVE QUESTIONS AS WELL AS YOUR ANSWER-SHEET.** No one may begin Part II until told to do so. *As a courtesy to your fellow students, if you leave this examination early, please do so quietly.*

PLEASE REREAD LINES 30-34.

This portion of the examination consists of **28** pages. *Please examine this material **now** to make certain that no pages are missing.*