How to Write a Constitutional Law Exam

- Follow your professor’s specific directions. In absence of specifics, consider the following:

- Using the UMD – Law Essay Outline Chart, before you respond in Blue Book or Exam Soft, map out the parties, the legal theories, the opposing parties, the defenses, noting the relevant facts that support each claim or defense.

- Analyze these legal theories from the opposing party’s point of view who will, of course, argue that the elements giving rise to the causes of action are not met or are met but otherwise justified.

- Address the presence or lack of state action. Usually in a Con. Law fact pattern, there has been some type of governmental action which one or more of the parties tries to invalidate.

- Know beforehand if you will be required to remember case names.

- Discuss the court’s power to review the case in question. An initial question can often be whether there are procedural doctrines that would prevent the plaintiff from asserting the cause of action. The defendant, then, would try to assert theories why the plaintiff’s case should not be heard (standing, for example).

- The potential grounds under which state action can be attacked as unconstitutional can be memorized by the following mnemonic: F SPICED: First Amendment Rights, Supremacy Clause, Privileges and Immunities, Impairment of Contractual Obligations Clause, Commerce Clause, Equal Protection, Due Process (procedural and substantive).

- Answer in IRAC format. Identify and define the legal theories at issue, explain how the facts support or do not support them, and then suggest a likely conclusion that the court would employ.

- Address only the questions asked in the call of the question. If the Commerce Clause does not apply, do not discuss it simply because you may have studied it in depth.

- Spend a few minutes at the end to re-read the fact pattern and refer to your Constitutional Law checklist to see if there are issues or sub-issues you might have missed.

- Dot your i’s, cross your t’s, and proofread for grammar and legibility.

- Submit with confidence.