

4)

1.The Due Process Clause of the Fourteenth Amendment?

Standing

In order to have standing a plaintiff must establish 1) injury-in-fact, 2) causation and 3) redressability.

Here, State A legislature has enacted a statute creating a Physician Retention Program (PRP) that seeks to waive tuition and give an annual payment of \$10,000 to State A residents who are admitted to and apply for the PRP. Doug has standing to bring a suit against the State A legislature for this legislation because he faced an injury-in-fact when his application was denied for the PRP. Additionally, Doug can prove causation because State A is the one that enacted this legislature that seeks to discriminate against out-of-state residents such as Doug. Finally, Doug can establish redressability because if State A's legislature is over turned or modified to include out-of-state residents such as Doug then he would be able to have access to the same benefits in the PRP as State A residents.

Thus, Doug has standing to bring this suit.

State Action

State action is required to bring a claim under the Due Process Clause of the Fourteenth Amendment.

Here, Doug can prove that state action because State A's legislature was the one that enacted the statute that created a PRP at each of its State's medical schools.

Thus, Doug can prove state action.

The Due Process Clause

The Due Process Clause of the Fifth Amendment applicable to the States through the Fourteenth Amendment prohibits the taking of an individuals property rights without Substantive Due Process and Procedural Due Process.

Substantive Due Process

Substantive Due Process requires a showing of vested property right.

Here, Doug was admitted as a first-year student in a State medical school and his application to the PRP was denied. However, State A will argue that Doug does not have any vested property rights over being an applicant in the PRP because it is a program designed for a specific group of individuals in State A that must prove that they were raised in a targeted low-income or rural community to address the medical needs of those currently living in similar situations. Furthermore, Doug's property rights have not vested because he has not started the program, if he was approved for the program then his property rights would have vested.

Thus, Doug does not have substantive due process rights over his PRP application.

Procedural Due Process

Procedural Due Process requires notice and a hearing before an individual's property rights are taken away.

Here, Doug was admitted as a first-year student in a State A medical school and his application to the PRP was denied without notice or a hearing. However, State A will argue that because Doug's property rights have not vested he was not entitled to a notice or hearing.

Thus, Doug was not entitled to a notice or hearing.

2. The Equal Protection Clause of the Fourteenth Amendment?

Standing

Please see rule above.

State Action

Please see rule above.

The Equal Protection Clause

The Equal Protection Clause of the Fifth Amendment applicable to the states through the Fourteenth Amendment prohibits discrimination through government action according to the suspect class. Strict scrutiny applies to discrimination on the basis of race, alienage, and citizenship. Intermediate scrutiny applies to discrimination on the basis of gender and illegitimacy. Rational basis applies to discrimination for everything else.

Here, Doug has brought suit for his application denial in the PRP. Specifically, Doug would argue that the statute is unconstitutional because it includes factors for admission in to the PRP such as an applicant's undergraduate grade point average, work experience, and race. State A will argue that having access to an applicant's undergraduate grade point average and work experience is not unconstitutional because it assists State A medical schools to make informed decisions in accepting or denying applicants. However, because race is a suspect class it must meet strict scrutiny.

Strict Scrutiny

Under strict scrutiny a government action must be necessary to achieve a compelling government interest.

Here, State A must prove that an applicant's race is necessary to admit a student into the PRP. State A will argue that they can meet this standard through a showing of data and statistics that individuals that have experienced living in low-income and rural communities are statistically from a plethora of races and in order to ensure that their applicant pool is diverse as possible to meet the needs of the community being served they must have access to this information to make informed decisions. Doug will counter argue that by

having access to an individual's race is not necessary to achieve this government interest and can be done through other means such as having access to their volunteer experience or why they are interested in the PRP. However, this argument will likely not stand and the state has met their burden.

Thus, the statute is constitutional under the Equal Protection Clause of the Fourteenth Amendment.

Rational Basis

Under the rational basis standard, a plaintiff must prove that the statute is not rationally related to a legitimate government interest.

Here, Doug must prove that whether an applicant is raised in a targeted low-income or rural community is not rationally related to a legitimate government interest. Doug will argue that while State A alleges that the legitimate government interest here is that an applicant is more likely to remain in a low income community that is simply not true because it discriminates against individuals who would like to assist those that live in such communities. Furthermore, State A creates an assumption that individuals from other socioeconomic backgrounds would not remain in such communities just because they have never had an exposure to them. However, State A will counter this argument by showing that Doug himself has lived in a wealthy community his entire life only now has an interest to assist individuals from other socioeconomic backgrounds. For these reasons, Doug has not met his standard.

Thus, the statute is constitutional under the Equal Protection Clause of the Fourteenth Amendment.

3. The Privileges and Immunities Clause of the Fourteenth Amendment?

Standing

Please see rule above.

State Action

Please see rule above.

Privileges and Immunities Clause

The Privileges and Immunities Clause prohibits discrimination against out-of-state residents.

Here, State A's legislature does not authorize incentives for the PRP for out-of-state residents until they have established residency for a year. Doug will argue that this discrimination under the Privileges and Immunities clause because it expressly basis the requirement for the PRP on a residency basis. However, State A will argue that because it is necessary State A residents to first have access to the program because their community is being burdened the most and they are most familiar with individuals within that community it is not a large burden. Furthermore, State A will argue because it only requires a one year residency instead of a residency requirement for five to ten years there is again not a large burden.

Thus, the PRP statute is not unconstitutional under the Privileges and Immunities Clause.

Dormant Commerce Clause

An out-of-state applicant can bring a suit under the Privileges and Immunities Clause if a statute unduly burdens interstate commerce.

Here, Doug will argue that interstate commerce is being burdened because the statute provides an incentive of an annual payment of \$10,000 along with a tuition waiver to State A residents. However, State A will argue that it does not burden interstate commerce because individuals who do not fulfill their commitment for the full term are required to pay State A back and the money then goes back into the program for new applicants. Additionally, because there is only a one year residency requirement out-of-state applicants are able to have access to this fund as well.

Thus, the statute does not burden interstate commerce.

4. The Privileges and Immunities Clause of Article IV, Section 2?

Standing

Please see rule above.

State Action

Please see rule above.

Privilege and Immunities Clause of Article IV, Section 2

The Privileges and Immunities Clause of Article IV, Section 2 prohibits out-of-state residents from being suits against a state.

Here, State A will argue that because Doug is an out-of-state resident he cannot bring a suit against State A for their enactment of the PRP statute. Doug might try to counter argue by stating that because he now resides in State A he has a right to bring a suit against his state of residency. However, this argument will likely not stand.

Thus, the PRP statute is not unconstitutional under the Privileges and Immunities Clause of Article IV, Section 2.

Question #4 Final Word Count = 1431

END OF EXAM