

**MBE Questions  
Pre-Bar**

**Question #1**

In order to foster an environment conducive to learning, a school board enacted a dress code that prohibited all public high school students from wearing in school shorts cut above the knee. Because female students at the school considered it unfashionable to wear shorts cut at or below the knee, they no longer wore shorts to school. On the other hand, male students at the school regularly wore shorts cut at or below the knee because they considered these shorts to be fashionable.

Female students sued to challenge the constitutionality of the dress code on the ground that it denied them the equal protection of the laws.

Should the court uphold the dress code?

- (A) No, because the dress code is not necessary to further a compelling state interest.
- (B) No, because the dress code is not substantially related to an important state interest.
- (C) Yes, because the dress code is narrowly tailored to further an important state interest.
- (D) Yes, because the dress code is rationally related to a legitimate state interest.

**Question #2**

A fatal virus infected poultry in several nations. Some scientific evidence indicates that the virus can be transmitted from poultry to humans. Poultry farming is a major industry in the several US states. In one such state, the legislature has enacted a law imposing a fee of two cents per bird on all poultry farming and procession operations in the state. The purpose of the fee is to pay for a state inspection system to ensure that no poultry raised or processed in the state is infected with the virus.

A company that has processing plants in the state and in other states has sued to challenge the fee. Is it constitutional?

- (A) No, because although it attached only to intrastate activity, in the aggregate, the fee substantially affects interstate commerce.
- (B) No, because it places an undue burden on interstate commerce in violation of the negative implications of the commerce clause.
- (C) Yes, because it applies only to activities that take place wholly within the state, and it does not unduly burdern interstate commerce.
- (D) Yes, because it was enacted pursuant to the state's police power, which takes precedence over the negative implications of the commerce clause.

**Question #3**

Congress enacted a statute that made it illegal for "any employee, without the consent of his or her employer, to post on the Internet any information concerning the employer." The purpose of the statue was to prevent employees from revealing their employers' trade secrets.

Is the statute constitutional?

- (A) No, because it is not narrowly tailored to further a compelling state interest.
- (B) No, because it targets a particular medium of communication for special regulation.
- (C) Yes, because it leaves open ample alternative channels of communication.
- (D) Yes, because it prevents employees from engaging in unethical conduct.