

**Federal Constitutional Law Test Specifications**  
**Part A of the General Bar Examination**  
**(Published March 2023)**

- I. Judicial review
  - A. Organization and relationship of state and federal courts in a federal system
  - B. The Article III “case or controversy” requirement
    - 1. Standing
    - 2. Ripeness
    - 3. Mootness
  - C. Adequate and independent State grounds
- II. Congressional powers
  - A. Commerce
  - B. Taxing and spending
  - C. Necessary and Proper Clause
- III. Separation of powers
- IV. Supremacy Clause
- V. Authority reserved to the States
  - A. Tenth Amendment and the “anti-commandeering” doctrine
  - B. Negative implications of the Commerce Clause
- VI. Relations among the States
  - A. Full Faith and Credit Clause

B. Interstate compacts

VII. Individual rights

A. "State action" requirement and the role of the courts

B. First Amendment rights

1. Freedom of religion

a. Free exercise

b. Establishment Clause

2. Freedom of speech and expression

a. Regulation of content of speech/expression

b. Regulation of time, place, and manner of speech/expression

c. Commercial speech/expression, including regulation of false or misleading statements

d. Unprotected speech/expression: Obscenity

e. Public forums

f. Compelled speech

3. Freedom of the press

4. First Amendment limits on defamation and related tort claims

a. Actual malice standard

b. Public figures

5. Freedom of association

- C. Second Amendment rights
- D. Due Process
  - 1. Fundamental rights
  - 2. Takings
  - 3. Procedural due process
  - 4. Substantive due process
- E. Equal Protection
  - 1. Fundamental rights
  - 2. Suspect classifications and levels of scrutiny
    - a. Strict scrutiny
    - b. Intermediate scrutiny
    - c. Rational basis scrutiny
- F. Ex post facto laws