

Question 1 (city hall zipper) (40 points)

- public forum-are the Web page & zipper designated public forums----- (4) _____
- are the forums limited (by resolution) or unlimited (as originally created)----- (3) _____
- is the speech fully protected political speech----- (2) _____
- is speech defamatory-§ 230 immunity-not content provider & alt remedies for def----- (3) _____
- can the speech be categorized as obscenity-but doesn't appeal to prurient interest, etc.----- (3) _____
- is the resolution content-based so that strict scrutiny applies----- (3) _____
- apply strict scrutiny on these facts - compelling int, narrowly tailored & least restrictive alt-- (4) _____
- arguments for a lower standard of scrutiny----- (2) _____
- prior restraint(pr) scheme as a result of use of mediator who acts as a government censor---- (2) _____
- does pr scheme give mediator unbridled discretion or are resolution standards sufficient---- (3) _____
- are there an absence of adequate procedural protections----- (2) _____
- overbreadth or underinclusiveness----- (3) _____
- vagueness----- (3) _____
- miscellaneous _____ (3) _____

Question 2 (link analogies) (30 points)

- analogy # 1 _____ (3) _____
- similarities of characteristics to linking/differences of characteristics to linking----- (4) _____
- which similarities are imp, which differences are unimportant;why sims are more imp than dif (2) _____
- regulatory consequences of the analogy-more or less regulation, what kind of regs, if any----- (3) _____
- analogy # 2 _____ (3) _____
- similarities of characteristics to linking/differences of characteristics to linking----- (4) _____
- which similarities are imp, which differences are unimportant;why sims are more imp than dif (2) _____
- regulatory consequences of the analogy-more or less regulation, what kind of regs, if any----- (3) _____
- other analogies _____ (3) _____
- miscellaneous _____ (3) _____

Question 3 (Virginia unauthorized linking statute)(50 points)

- personal jurisdiction over Carrington - a nonresident & and over whom VA has no gen'l jur- (2) _____
- purposeful availment-test-conduct directed at forum, did c/a arise out of contacts, reasonable (2) _____
- not directed at VA; didn't know P's location, only e-mail address of subscribers, no sales---- (2) _____
- active vs. passive site-e-mail & subscription to newsletter, no sales except links to bookseller (3) _____
- other contacts with the state such as promotional visits to Virginia as in Drudge----- (2) _____
- did c/a arise out of forum contacts-if link is related to VA activities----- (2) _____
- reasonableness-apply criteria ----- (3) _____
- effects test-creation of link is like intentional tort-but activities not knowingly directed at VA- (3) _____
- does statute violate dormant commerce clause----- (1) _____
- extraterritorial effect----- (3) _____
- do benefits offset burdens on interstate commerce----- (3) _____
- danger of inconsistent regulations----- (3) _____
- does statute violate first amendment rights of Carrington?----- (1) _____
- is a link fully protected expression or is it merely functional or an identifier?----- (4) _____
- is the reg content-based or content-neutral (all links no matter what their content)----- (2) _____
- linkee not state is censor-protection of property int like trademark or copyright,but preempted- (2) _____
- reas time, place, man reg-content neut, narrowly tailored, sub'l int, leaves open ample alts---- (3) _____
- vagueness----- (2) _____
- overbreadth of statute - applies to transactions where there is no commercial motive for link--- (2) _____
- statute may be inapplicable if no proof of harm-Potter may gain more from link than he lost---- (2) _____
- miscellaneous _____ (3) _____