

ALA CIVIL PROCEDURE AND CONSTITUTIONAL LAW PRACTICE EXAM (SAMPLE) STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 – 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

Questions

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- 1. A plaintiff sues a private insurance company alleging an equal protection violation because burglary insurance rates are higher for residents in one part of a county than in another part due to local crime rates. Will the plaintiff's suit succeed?**
- A. No, because equal protection restricts private action only in extremely specific circumstances, none of which are present.
 - B. Yes, private discrimination violates the Constitution.
 - C. Yes, because the county police are not providing equal protection to residents in that area.
 - D. No, because the Fourteenth Amendment applies to the states, not private actors.
- 2. A state's law enforcement officers must be United States citizens. An alien applies for and is denied a job as a forensic pathologist in the state. The alien sues in federal court seeking to invalidate the citizenship requirement. The court should analyze the case under:**
- A. Incorporation doctrine
 - B. Equal protection with strict scrutiny for alienage classifications
 - C. Due process considerations only
 - D. Privileges or Immunities Clause as the sole basis for relief
- 3. A private university run by a religious organization is accredited by the state and receives state funds. A professor who wrote a column criticizing religion is discharged by the university. The professor sues, claiming violation of freedom of speech. Which statement is correct?**
- A. The private university's discharge did not implicate First or Fourteenth Amendment rights because the university is not a state actor.
 - B. The discharge violates the First Amendment rights due to religious influence.
 - C. Accreditation and partial funding render the university a state actor, triggering constitutional protections.
 - D. The Constitution provides no remedy against state-accredited institutions restricting speech as a condition of employment.

- 4. For diversity jurisdiction in a class action, which statement is correct regarding citizenship?**
- A. Diversity is determined by the citizenship of all named class members
 - B. Diversity is determined by the citizenship of the named plaintiff(s) and named defendant(s) only
 - C. Diversity is irrelevant in federal court for class actions
 - D. Diversity is determined by the jurisdiction where the class action was filed
- 5. If a federal case is filed in a district with proper venue but the defendant seeks to transfer to a different district that could have been proper originally, which rule permits a transfer?**
- A. FRCP 12(b)(3) forum non conveniens.
 - B. 28 U.S.C. § 1404(a).
 - C. 28 U.S.C. § 1406(a).
 - D. FRCP 15 transfer.
- 6. Content-neutral restrictions are typically evaluated under which standards depending on context?**
- A. Content-neutral restrictions are never subject to scrutiny.
 - B. Content-neutral restrictions typically face intermediate scrutiny or rational basis depending on context.
 - C. Content-neutral restrictions are always subject to strict scrutiny.
 - D. Content-neutral restrictions are automatically valid.
- 7. What is the attorney-client privilege?**
- A. All communications between any individuals.
 - B. Confidential communications between attorney and client for the purpose of seeking or receiving legal advice.
 - C. Only communications in writing.
 - D. Work product regardless of confidentiality.
- 8. Rule 15(c) relates back amendments under what conditions?**
- A. An amendment relates back if filed within 1 year regardless of conduct.
 - B. Relational back depends on the outcome of discovery.
 - C. An amendment relates back to the original filing date if it concerns the same conduct, transaction, or occurrence or if the law provides for relation back.
 - D. An amendment relates back only if the plaintiff obtains express consent from the defendant.

- 9. When may the United States Supreme Court review a state court's judgment on a federal question when the state decision rests on independent and adequate state grounds?**
- A. Always, regardless of state grounds.
 - B. Only if there are no independent state grounds.
 - C. Only if the state grounds are identical to federal law.
 - D. Never, if independent state grounds exist.
- 10. A state enacts a law requiring individuals under age 30 to receive five hours of counseling before obtaining a marriage license. A man challenges the law as unconstitutional. What is the clearest ground for dismissal of the action?**
- A. The man's residency is irrelevant to the challenge.
 - B. A substantial federal question is presented.
 - C. The issue involves a non-justiciable political question.
 - D. Ripeness due to lack of a matured dispute; the parties have not yet sought a license.

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Answers

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1. A
2. B
3. A
4. B
5. B
6. B
7. B
8. C
9. D
10. D

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Explanations

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1. A plaintiff sues a private insurance company alleging an equal protection violation because burglary insurance rates are higher for residents in one part of a county than in another part due to local crime rates. Will the plaintiff's suit succeed?

- A. No, because equal protection restricts private action only in extremely specific circumstances, none of which are present.**
- B. Yes, private discrimination violates the Constitution.
- C. Yes, because the county police are not providing equal protection to residents in that area.
- D. No, because the Fourteenth Amendment applies to the states, not private actors.

The main idea is that the Equal Protection Clause generally governs state action, not private conduct. A private insurance company setting rates based on local crime isn't acting under government authority, so a claim under the Fourteenth Amendment's equal protection usually doesn't apply. Only in a few narrow situations—where a private party is effectively acting as an arm of the government, performing a traditional public function, or where there's substantial government involvement or coercion—would private discrimination implicate constitutional equal protection. Here, none of those special circumstances are present. The insurer is a private actor making business decisions, and there's no indication of government delegation, coercion, or joint action. Therefore, the suit wouldn't succeed on an equal protection theory. The other options miss the nuance: private discrimination isn't automatically a constitutional violation without state action; blaming the county police suggests state action that isn't linked to the private insurer's conduct; and while it's true that the Fourteenth Amendment applies to states, not private actors, the crucial point is that private action isn't ordinarily constrained by equal protection unless one of those narrow state-action exceptions applies.

2. A state's law enforcement officers must be United States citizens. An alien applies for and is denied a job as a forensic pathologist in the state. The alien sues in federal court seeking to invalidate the citizenship requirement. The court should analyze the case under:

- A. Incorporation doctrine
- B. Equal protection with strict scrutiny for alienage classifications**
- C. Due process considerations only
- D. Privileges or Immunities Clause as the sole basis for relief

The key idea is how the Equal Protection Clause treats classifications based on alienage in the context of state employment. When a state bans or conditions eligibility for a public job on citizenship, the Supreme Court generally applies strict scrutiny to that alienage classification. This means the state must show a compelling interest and that the restriction is narrowly tailored to achieve that interest, a high bar that federal and state governments rarely meet in wholesale alienage exclusions for ordinary public-employee positions. In this scenario, denying a state forensic pathologist position to an alien facially targets a class defined by nationality, and the job is a public role with significant public trust. The appropriate analysis is strict scrutiny under equal protection. It's unlikely the state could justify such a broad citizenship requirement for a professional, given the strongest form of scrutiny required for alienage classifications. Other doctrines don't fit as the primary vehicle here. Incorporation doctrine isn't the mechanism for evaluating this kind of legal restriction, and due process considerations alone don't address the legitimacy of a nationality-based employment restriction. The Privileges or Immunities Clause has been used sparingly and does not provide the sole or primary basis to uphold state citizenship requirements for public employment.

3. A private university run by a religious organization is accredited by the state and receives state funds. A professor who wrote a column criticizing religion is discharged by the university. The professor sues, claiming violation of freedom of speech. Which statement is correct?

A. The private university's discharge did not implicate First or Fourteenth Amendment rights because the university is not a state actor.

B. The discharge violates the First Amendment rights due to religious influence.

C. Accreditation and partial funding render the university a state actor, triggering constitutional protections.

D. The Constitution provides no remedy against state-accredited institutions restricting speech as a condition of employment.

The key idea is that the First Amendment and the Fourteenth Amendment protect against state action, not private action. A private university—even one run by a religious organization, even if it's state-accredited and receives state funds—is generally not a state actor. Constitutional speech rights bite when the government is the one restricting or compelling speech; private employers can set their own employment policies and discipline employees for what they publish or say. What matters is whether the government is so involved with the university that its conduct can be treated as the government's action. Accreditation or funding alone doesn't automatically make the university's discharge a constitutional matter; there would need to be substantial government coercion, involvement, or entwinement in the decision. Since the scenario doesn't show that level of state involvement, the discharge doesn't implicate First or Fourteenth Amendment rights. If there were true state action, the analysis would be different and a constitutional remedy could exist; but as stated, the professor's claim rests on private action, not government action.

4. For diversity jurisdiction in a class action, which statement is correct regarding citizenship?

A. Diversity is determined by the citizenship of all named class members

B. Diversity is determined by the citizenship of the named plaintiff(s) and named defendant(s) only

C. Diversity is irrelevant in federal court for class actions

D. Diversity is determined by the jurisdiction where the class action was filed

Diversity for a class action in federal court is determined by the citizenship of the named plaintiffs and the named defendants. The class members themselves, though numerous, are represented by those named parties for jurisdictional purposes, so federal jurisdiction relies on whether the named plaintiffs are citizens of different states from the named defendants (complete diversity). The citizenship of unnamed class members does not affect the court's subject-matter jurisdiction, though it can matter for other issues like members' claims or remedies. If any named plaintiff shares a state citizenship with any defendant, there is no complete diversity and federal jurisdiction under Rule 23 would be lacking. The other statements misstate how jurisdiction is established or ignore the role of the named parties. (Note: CAFA introduces a different minimal-diversity framework in many class actions, but the traditional rule is as described.)

5. If a federal case is filed in a district with proper venue but the defendant seeks to transfer to a different district that could have been proper originally, which rule permits a transfer?

A. FRCP 12(b)(3) forum non conveniens.

B. 28 U.S.C. § 1404(a).

C. 28 U.S.C. § 1406(a).

D. FRCP 15 transfer.

When a case is filed in a district with proper venue but the defendant wants to move it to another district that would also have been proper, the mechanism is a discretionary transfer under 28 U.S.C. § 1404(a). This statute allows a case to be transferred to a district where the action could have been brought originally, provided the transfer would serve the convenience of the parties and witnesses and the interest of justice. The key point is that the destination district must be one where the case could have been properly filed from the start, and the move is guided by a balancing of private and public factors, not by a dismissal or a change of forum. Why the other options don't fit as the rule for this scenario: 28 U.S.C. § 1406(a) applies when venue is improper from the outset, not when venue is proper. FRCP 12(b)(3) is a venue defense for improper venue, not a transfer rule. FRCP 15 is about amendments to pleadings, not transferring a case. Forum non conveniens is a different doctrine used to dismiss a case when another forum is more convenient, but it's not a transfer within the federal court system.

6. Content-neutral restrictions are typically evaluated under which standards depending on context?

A. Content-neutral restrictions are never subject to scrutiny.

B. Content-neutral restrictions typically face intermediate scrutiny or rational basis depending on context.

C. Content-neutral restrictions are always subject to strict scrutiny.

D. Content-neutral restrictions are automatically valid.

Content-neutral restrictions regulate when, where, or how expression occurs rather than what is said. Because they don't target the message, the courts don't apply strict scrutiny. Instead, they usually apply intermediate scrutiny, though in some contexts—especially when the regulation affects conduct rather than speech or falls outside the expressive realm—the rational basis standard can apply. So these restrictions are typically evaluated under intermediate scrutiny, with the possibility of rational basis depending on the specific context. They're not automatically valid, and they're not automatically subjected to strict scrutiny, and they are not treated as exempt from scrutiny. The government must show the restriction serves a substantial interest, is narrowly tailored to achieve that interest, and leaves open alternative channels for communication.

7. What is the attorney-client privilege?

- A. All communications between any individuals.
- B. Confidential communications between attorney and client for the purpose of seeking or receiving legal advice.**
- C. Only communications in writing.
- D. Work product regardless of confidentiality.

Attorney-client privilege protects confidential communications between a client and an attorney that are made for the purpose of seeking or receiving legal advice. The key idea is confidentiality and the reason for the advice: the client must be able to share all relevant information with the attorney so the lawyer can provide effective legal guidance. This protection covers both spoken and written communications and applies to communications between the client and the attorney (including in-house counsel) made in the context of seeking or receiving legal services. It does not blanket all communications between any individuals, nor does it require the communication to be in writing. It also isn't the same as the work product doctrine, which protects materials prepared in anticipation of litigation and involves different rules about discovery.

8. Rule 15(c) relates back amendments under what conditions?

- A. An amendment relates back if filed within 1 year regardless of conduct.
- B. Relational back depends on the outcome of discovery.
- C. An amendment relates back to the original filing date if it concerns the same conduct, transaction, or occurrence or if the law provides for relation back.**
- D. An amendment relates back only if the plaintiff obtains express consent from the defendant.

Rule 15(c) governs when an amendment can relate back to the date of the original filing. The key idea is that an amendment is treated as if filed on the original date if it concerns the same conduct, transaction, or occurrence already pleaded, so the action isn't prematurely hit by the statute of limitations. It also covers situations where the controlling law itself provides a relation-back rule for amendments, even if the facts in the amendment differ somewhat. That's why this option is the best: it captures both paths to relation back—the same nucleus of facts as the original pleading, and any law-based relation-back provision that applies. The other choices misstate the concept: relation back isn't dictated by discovery outcomes, it isn't about obtaining consent from the defendant, and there isn't a blanket one-year deadline that governs all relation-back analyses.

9. When may the United States Supreme Court review a state court's judgment on a federal question when the state decision rests on independent and adequate state grounds?

- A. Always, regardless of state grounds.
- B. Only if there are no independent state grounds.
- C. Only if the state grounds are identical to federal law.

D. Never, if independent state grounds exist.

The key idea is the independent and adequate state grounds doctrine. If a state court's decision on a federal question rests on independent and adequate state grounds, the U.S. Supreme Court lacks jurisdiction to review the federal issue. In other words, when the state decision would stand even without any federal question because a separate, sufficient state basis determines the outcome, the federal question is not needed to decide the case, and the Court will not intervene. This explains why the correct approach is that the Supreme Court would not review the federal question if independent state grounds exist. If there were no independent state grounds, or if the state grounds were not adequate to sustain the result, the federal question could be reviewed. The other options fail because they ignore the crucial requirement that the state grounds be both independent and adequate to foreclose Supreme Court review.

10. A state enacts a law requiring individuals under age 30 to receive five hours of counseling before obtaining a marriage license. A man challenges the law as unconstitutional. What is the clearest ground for dismissal of the action?

- A. The man's residency is irrelevant to the challenge.
- B. A substantial federal question is presented.
- C. The issue involves a non-justiciable political question.

D. Ripeness due to lack of a matured dispute; the parties have not yet sought a license.

The key idea here is ripeness. A federal or state court won't issue a pre-enforcement ruling on a statute unless there is a mature, concrete dispute and real injury to the plaintiff. In this scenario, the law requires five hours of counseling before obtaining a marriage license, but the man has not sought a license and hasn't faced enforcement or denial. Without either enforcement action or a present threat of enforcement, there's no actual injury or imminent decision for the court to decide. Allowing a pre-enforcement challenge would amount to an advisory opinion on the constitutionality of a law that hasn't yet affected the claimant, which courts avoid. If the man later seeks a license and is compelled to undergo counseling or is denied a license, then the dispute becomes ripe and the constitutional challenge can proceed. The other options don't fit because residency isn't about whether the case is properly before the court, a facial federal-question issue isn't the controlling barrier here, political-question doctrine isn't implicated, and ripeness—prematurity due to no matured dispute—is the strongest basis for dismissal.

Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

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We wish you the very best on your exam journey. You've got this!

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