

# **MCGEE CIVIL RIGHTS MOOT COURT 2020-2021 PROBLEM**

*Presented by Mitchell Hamline School of Law and the University of Minnesota Law School*

You are counsel arguing on appeal *Tyler v. McGee*, a 2020 decision of the United States District Court for the District of McGee. The plaintiff, Reece Tyler, sought on behalf of himself and a class of similarly-situated indigent defendants an injunction preventing McGee from enforcing its statute governing misdemeanor pretrial release, which denied him release because he could not afford to post a standard amount of cash bail. The district court denied the relief, concluding that the statute governing pretrial release in misdemeanor cases in McGee complies with the Fourteenth Amendment.

The case presents two Fourteenth Amendment claims: an Equal Protection claim and a substantive Due Process claim.

**The issues on appeal are as follows:**

*1. The Equal Protection Claim*

- A. What level of constitutional scrutiny applies to Tyler's claim that McGee's misdemeanor bail statute violates his right to equal protection under the Fourteenth Amendment?
- B. Applying the proper level of scrutiny, does the statute violate the Equal Protection Clause?

*2. The Due Process Claim*

- A. What level of constitutional scrutiny applies to Tyler's claim that McGee's misdemeanor bail statute violates his right to substantive due process under the Fourteenth Amendment?
- B. Applying the proper level of scrutiny, does the statute violate his substantive due process right under the Fourteenth Amendment?

Each team must address the Equal Protection claim and the Due Process claim. Briefing and argument must be limited to the above-described issues, and the parties should not address procedural issues or other issues outside the identified constitutional questions.

The District of McGee is within the Fourteenth Circuit. Decisions of the United States Supreme Court are, of course, binding precedent. Decisions of other federal courts and state courts may be persuasive but are not binding.