

Equality

Arneson v. State

864 P.2d 1245 (Mont. 1993)

Statute

Can receive increase

IF retired AND (retiree or beneficiary) is 55 or older

IF not retired AND receiving disability or survivorship benefits

“The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws.”

Art II. § IV Montana Const.

Gartner v. Iowa Dep't of Public Health

830 N.W.2s 335 (Iowa 2013)

“All men and women are, by nature, free and equal.”

Iowa Const. Art 1. § 1

“All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.”

Iowa Const. Art 1. § 6

Three Justifications

1. Accuracy

2. Efficiency

3. Paternity

AFSCME Iowa Council 61 v. State

928 N.W.2d 21 (Iowa 2019)

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Justifications

1. Labor peace
2. Health and safety
3. Justification for 30% line: Need to draw it somewhere

Aztec Municipal Schools v. Cardenas

549 P.3d 488 (N.M. 2024)

Workers' compensation statute limits the maximum period of disability benefits for a secondary mental impairment to “the maximum period allowable for the disability produced by the physical impairment.”

Due Process

Procedural Due Process

If the government is going to deny someone a life, liberty, or property interest, what process is due?

State v. Veale

972 A.2d 1009 (N.H. 2009)

Important Precedent:

Paul v. Davis

424 U.S. 693 (1976)

“No subject shall be deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.”

Part I, Article 15, New Hampshire Const.

Due Process Inquiry

Is this a legally protected interest?

If so, what process is due?

Balancing test for determining what process is due

1. Private interest that will be affected
2. Risk of erroneous deprivation and probable value of additional procedural safeguards
3. Government interest (including burden of additional safeguards)

M.E.K. v. R.L.K.

921 So.2d 787 (Fla. App. 2006)

Supreme Court Precedent:

Lassiter v. Dep't of Social Serv. of Durham County, N.C. (1981)

Florida Precedents:

O.A.H. v. R.L.A. (1998)

In the Interest of M.C. (2005)

Review

Conceptions of Equality

Equal treatment → Non-discrimination from the state

Equal opportunity → Minimum state obligation to address existing inequality

Equal outcome → State guarantee to fix existing inequality

Federal Constitutional Backdrop

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State ... deny to any person within its jurisdiction the equal protection of the laws.”

U.S. Constitution, Fourteenth Amendment.

Tiers of scrutiny

Rational basis

Applies when no suspect classification is at issue.

To survive judicial review, the law must serve a *legitimate* government interest and there must be a *rational connection* between the law's means and that interest.

Intermediate scrutiny

Applies to quasi-suspect classifications such as gender.

To survive judicial review, the law must further an *important* government interest and must do so by means that are *substantially related* to that interest.

Strict scrutiny

Applies to suspect classifications such as race, national origin, and religion.

To survive judicial review, the law must further a *compelling* government interest and law must be *narrowly tailored* to achieve that interest.

Conceptions of Equality

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**Why put equality in a state
constitution?**

What's the point?

Malabed v. North Slope Borough

70 P.3d 416 (Alaska 2003)

Commonwealth v. Penn. Interscholastic Athletic Ass'n

334 A.2d 839 (Pa. Commw. Ct. 1975)

State v. Rivera

612 P.2d 526 (Haw. 1980)

Driscoll v. Corbett

69 A.3d 197 (Pa. 2013)

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