

Applicant Number

MPT-1

717



*Peek et al. v. Doris Stern and  
Allied Behavioral Health  
Services*

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Do not break the seal until you are told to do so.**



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**Peek et al. v. Doris Stern and Allied Behavioral Health Services**

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**FILE**

**ROBINSON & HOUSE LLC**  
**Attorneys at Law**  
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Fairview Heights, Franklin 33705

**MEMORANDUM**

**TO:** Examinee  
**FROM:** Jean Robinson  
**DATE:** July 25, 2017  
**RE:** Peek et al. v. Doris Stern and Allied Behavioral Health Services

We represent a class of Union County women probationers in a lawsuit filed in federal court under 42 U.S.C. § 1983 of the Civil Rights Act. All probationers convicted of misdemeanors in Union County receive probation services through Allied Behavioral Health Services. Our complaint alleges that the defendants Allied and Doris Stern, in her capacity as executive director of Allied, are discriminating against women probationers based on gender.

The named plaintiff in our class action, Rita Peek, was sentenced to 18 months' probation by the Union County court in May 2016. (See attached sentencing order.) A condition of her probation was that she receive mental health counseling. To date, Peek has met all the requirements of her probation except for mental health counseling because Allied has failed to provide that counseling.

We filed suit in the U.S. District Court for the District of Franklin against Allied and Doris Stern alleging that they have developed a plan of services that disproportionately denies probation services to female probationers. Thus far, we have deposed Allied's Probation Services Unit director. During a recent case-management conference, the U.S. District Court judge raised the issue of whether the defendants are state actors and, therefore, subject to 42 U.S.C. § 1983. The judge ordered the parties to file simultaneous briefs on that issue alone.

Please prepare the argument section of our brief in support of our position that Stern and Allied are acting under color of state law and are subject to suit under 42 U.S.C. § 1983, relying on all available tests employed by the courts to determine whether parties are state actors. Follow our office guidelines in drafting your argument. Because the court ordered simultaneous briefs, you should anticipate the defendants' arguments and respond to them. Do not draft a separate statement of facts, but incorporate all relevant facts into your argument.

**ROBINSON & HOUSE LLC**

**OFFICE MEMORANDUM**

**TO:** All lawyers  
**FROM:** Litigation supervisor  
**DATE:** April 14, 2011  
**RE:** Simultaneously filed persuasive briefs

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All simultaneously filed persuasive briefs shall conform to the following guidelines:

**Statement of the Case** [omitted]

**Statement of Facts** [omitted]

**Body of the Argument**

The body of each argument should analyze applicable legal authority and persuasively argue how both the facts and the law support our client's position. Be sure to cite both the law and the evidence. Emphasize supporting authority but address contrary authority as well; explain or distinguish contrary authority in the argument. Because the court ordered simultaneous briefing, anticipate the other party's arguments and respond to them; do not reserve arguments for reply or supplemental briefing. Be mindful that courts are not persuaded by exaggerated, unsupported arguments.

Organize the argument into its major components. Present all the arguments for each component separately.

With regard to each separate component, write carefully crafted subject headings that illustrate the arguments they address. The argument headings should succinctly summarize the reasons the tribunal should take the position you are advocating. A heading should be a specific application of a rule of law to the facts of the case and not a bare legal or factual conclusion or a statement of an abstract principle. For example: Improper: Plaintiff has satisfied the exhaustion of administrative remedies requirement. Proper: Where Plaintiff requested an administrative hearing by timely completing Form 3B, but the prison has refused to schedule a hearing, Plaintiff has satisfied the exhaustion of remedies requirement.