



Multistate Performance Test

February 2024 MPT Summaries

State of Franklin v. Iris Logan (February 2024, MPT-1) In this performance test, the examinee is asked to draft an objective memorandum assessing whether the Hamilton County district attorney should pursue robbery and felony-murder charges against defendant Iris Logan. According to the testimony at the preliminary hearing, Logan snatched a woman's purse and then left the scene in a vehicle driven by her accomplice, Jeremy Stewart. A short time later, Stewart was killed when their vehicle was hit by an SUV in an intersection. The traffic lights at the intersection were malfunctioning at the time of the crash, and Logan was arrested at the accident site. The examinee's evaluation of the case against Logan should reflect the office policy of not over-charging in cases where the evidence is weak. The File contains the task memorandum, the "be on the lookout" notification, excerpts from the preliminary hearing transcript, and a maintenance report from the highway safety department. The Library contains selected provisions from the Franklin Criminal Code and three Franklin cases: *State v. Driscoll* (setting forth the elements of robbery), *State v. Clark* (discussing when a crime is completed), and *State v. Finch* (discussing the felony-murder rule).

Randall v. Bristol County (February 2024, MPT-2) This performance test requires the examinee to write a persuasive argument in support of a motion for summary judgment. The client, Olivia Randall, has brought a free-speech claim under 42 U.S.C. § 1983 against her employer, Bristol County. The county suspended Randall for 14 days without pay after she made two public posts on Facebook in which she criticized the county's decision not to seek renewal of a state grant. Randall administers a workforce-development program funded by the grant. She has already served the suspension; the purpose of the lawsuit is to restore her pay, expunge the discipline from her employment record, repair her reputation, and deter the county from future retaliatory actions. The File contains the task memorandum, the firm's guidelines for persuasive briefs, the letter of suspension from the county personnel office, a letter from the county attorney, Randall's Facebook posts, and excerpts from the depositions of the county executive and of Randall. The Library consists of two public-employee First Amendment cases from the Fifteenth Circuit of the US Court of Appeals.