

Study 31 (2L) ???- unintelligible speech *- 15 second time stamp

All right, first I want to thank you for your participation today. This is a short research study on the development of legal reasoning by law school students. This is not a test of your abilities but rather an attempt to determine how people think about legal problems. You will not be graded and your answers will not be revealed to any of your professors. Your responses* will be tape recorded to ensure accuracy. These tapes will not be shared with anyone outside of the research team. First you will be given a sample problem to work through. This is to familiarize you with verbalizing your thought process. This is only a warm up and is not part of the study. When answering the question please verbalize* your thoughts as naturally as possible. Please do not explain or rationalize your answers but rather communicate them in a free flowing manner. The best way to do this is to pretend that I am not even here and you are just looking through the problem and thinking out loud.

ok.[reading]...*...*...*...*...so do I just pick one?

Well, just any thoughts that you have about the question and the answers.

I am wondering actually if its true.* . . . I think that I probably, if I had to pick an answer, I would probably pick um . . . I would probably either pick C or D most likely because the um* the percentage of cars involved in accidents, I mean if it is only they say a greater percentage of cars but if it is only 1% greater then its not really all that much of a difference in order to charge premiums higher for red cars...*...*...and of course there are the drivers who drive recklessly have a preference for red cars....*

If you are done you can . . .

Oh.

Are you done?

Yeah.

OK, its OK*, OK next you will be presented with a legal problem

Uh huh.

Please read the problem, aloud or to yourself, and verbalize any thoughts you have as you read. This should mirror your normal thought process. It should be as natural as possible. Remember just as with the previous exercise*, you only need to report what you are thinking without explaining why you think it. Following the presentation of the case you will read a question. The information on the page is all the information available regarding the problem. So just read through this once and you can let me know when you are done and if anything comes to your mind while you are reading it just verbalize it.*

OK [reading]....*...*...*... first I've only gotten to the first 3 paragraphs* and already its troubling me. No warranty and an 8th grade education...*...*...*...*...*...*...*...*... should I just tell you what I think about it?

Are you done reading through?

Is that what you want? Yea

Ok let me just have that back.

OK

Please provide a summary of the case you just read

OK um we had Mr. I think it's Samos* um his older, 37, but he had an 8th grade education um he had some other language besides English as his first language. English was his second um and he wanted to* buy a car so he went to a Nissan dealership he had never dealt with before. And he described his um I don't know, his wish to purchase a car as kind of spur of the moment. He didn't have a long* set goal or plan to buy a car. Um he was met at the dealership by a salesperson there and he ended up talking with him and looked at a particular car* after taking one home for a test drive and . . . lets see, the ne— when he went back he ended up looking at a different Nissan Altima that had a uh sign* on it that it was executively driven and that it was in great condition and he got the paper work signed and agreed to buy it um for close to \$14,000 it was 13 and change* and it had um over 31,000 thousand miles on it um which he didn't question he didn't question anything before he actually bought it he didn't question who had owned it previously he got all the paperwork back and a friend of his* um he didn't have any problems with the car but a friend of his noticed on the title that the previous owner was an auto rental dealership place um and that raised some concerns with him because he thought it was driven by Nissan* executives and not used as a rental car so there could be problems with that for the rental car. Um he doesn't have a problem with the car but he thinks he was taken advantage of and um he* just wants to see what he can, I guess, get back from the dealership.

Anything else?

Um, lets see, how much I remember. I could tell you what the third question on my* Bus Org final was.

If you don't have anything else that is OK.

I think that is pretty much it. He just said, he's trying to see if he was, if he can get anything back from the dealership for being taken advantage of and uh* his, even though he didn't ask about anything he apparently misunderstood what the sign meant and he had a different understanding then what the dealership had

OK. You can have this back- what are your thoughts regarding the question at the end of the case*?

Ok . . . based solely on these facts does your client have any viable legal claim* for damages? Uh, he might, actually because it might turn on what the contract actually stated. Like the when they use like boilerplate contracts* and um then there is the unequal bargaining power the it doesn't say that the salesperson you know, kind of took advantage of him it doesn't really have that in here that he you know used* him, he wasn't rushed, he didn't pressure, he wasn't pressured to complete the paperwork but, you can probably tell from somebody who is 37 years old that they have, a . . . you know, if they have an 8th grade education, they don't speak English well it is probably fairly evident that maybe* you should take a little more care in explaining details like that to them, especially when you have something that could be taken either way like the executively driven. He might actually have something to go on*.

Anything else?

um* well there is the price on the car was different then the contract price so I would probably want to know why that was as well because the um the sticker says \$14,500 and then he purchased it for \$13,900* and I would want to know why there was, I mean it is not a great difference in price, but is there something wrong with the car or something to that effect that they were maybe trying to hide with a little sales tactic you know? I'm playing devil's advocate.

Anything else*?

Hmm . . .

If you don't have anything else that is fine too.

Yeah, I think, I think I would just probably focus on why they changed the price and then of course the difference between being a salesperson and a person with an 8th grade education *your not kindof as worldly knowledgeable so to speak

Ok, um I want to thank you for your time today. We ask that you don't discuss the study the legal problems or your answers with anyone else at Hofstra. And this is to just ensure* that any other potential participants aren't tainted and we get quality results.

Completely understand.

Study 12 *- 15 second time stamp

This is a research study on the developmental reasoning of law school students. This is not a test of your abilities but rather an attempt to determine how people think about legal problems you will not be graded and your answers will not be revealed to anyone else. Your responses are going to be tape recorded for accuracy* and these tapes will not be shared with any outside of the research team. First you will given a sample problem to work through. This is to familiarize you with verbalizing your thought process. This is only a warm up and it is not part of the study. When answering* the question please verbalize your thoughts as naturally as possible. Please do not explain or rationalize your thoughts but communicate them in a free flowing manner. The easiest way to do this is to go through your normal thought process but say everything out loud as if no one else* was in the room so pretend you are talking to yourself.... you need this, that is just to warm up your brain.....

Ok.....*.....*.....*.....

Yeah just any thoughts that you have

yeah ok uh the, it asks* the reasoning the argument is flawed because the argument of I would say C ignores the possibility that drivers who drive recklessly have a preference for red cars just being that uh they didn't seem to take that into consideration* at all when they were justifying uh raising prices for red cars um the other thing that I noticed I guess is that there are no numbers it is a very sort of genera*I assumption that uh that red cars it says a greater percentage of red cars are involved in accidents but it doesn't give the percentage um so

ok* give me this, next you will be presented with a legal problem. Please read the problem aloud or to yourself and verbalize any thoughts that you have as you read it. This should mirror your normal thought process* it should be as natural as possible. Remember just as in the previous exercise you only need to report what you are thinking without explaining why you think it uh following the presentation of the case you will read a question the information on the page is the only information available* regarding the problem. You can read this and let me know when you are done reading

ok [reading]...*...*...*.....*...*...*.....*..... ok let me have that back

Laughing its ok now just provide a summery of the case you just read

uh summery uh it involves a *37 year old uh gentleman who purchased a car. His car is um bought it from uh a used car company um there* was something in there about English being his second language um the car was he took a car home for the night to test drive he brought it back and ultimately ended up purchasing another car*. The car he told was told was executive driven he didn't really inquire as to what that meant although he did later state that uh he thought it was being driven by um executives of the company that* he was purchasing from um he .. He was given uh sales title the the name on the title as far as who was the previous owners said that it was the automobile company* that he was purchasing from um he bought the car didn't really have any problems with when a friend looked at the title they found out that it was actually

previously owned by a rental company which meant* that there were miles on it although he already knew how many miles were on it there were like 30,000 miles on it an uh he is wondering if he has any uh if there are any damages* that he can claim however the state has a statute that says that he can get lawyers fees um if he is the prevailing party

ok anything else?*

Um

there is not right or wrong answer I am just double checking

..... no

No ok now you can have this back

ok

what are your thoughts regarding the question* presented at the end of the case?

Uh

don't forget to just report what you are thinking

Based solely on the fact ??? legal claim for damages?...* I would say no ... and I am thinking because he wasn't mislead any way it says that he um* ... that he that English is his second language but it doesn't say that that was in any way that doesn't mean that he doesn't speak English well just that it is his second language um he said that he wasn't pressure into signing anything they gave him plenty of time* to decide it um also that there was no real problems with the car that he purchased it was simply that his friend realized after the fact that he was probably probably* misled although ya know I am sure that the car company would dispute that but um it seems all to center around the fact that it was executive driven and he didn't really know what that meant but then again he didn't really* ask.

OK Anything else

Um ...that is about it

ok I want to thank you for your time today and we ask that you not discuss the study the legal problem* presented to you or your answers with anyone else at Hofstra. This is to ensure that potential participates are not tainted and that we can gather quality data in the future.

Study 13- * -15 second time stamp

Reasoning skills by law students this is not a test of your ability but rather an attempt to determine how people think about legal problem. You will not be graded and your answers will not be* revealed to any of your professors your responses will be tape recorded to ensure accuracy. These tapes will be shared with any one outside of the research team. Uh first you will be given a sample problem to work through. It is just to familiarize you* with verbalizing your thought process. It is only a warm up it is not really part of the study. When answering the questions please verbalize your thoughts as naturally as possible. Please do not explain or rationalize your thoughts but rather communicate them in a free flowing manner. That* little voice in your head that runs, just verbalize everything that happens. Um go through the normal thought process and say everything aloud as if not one else is in the room. This* is the sample problem

[reading] ...*...*...I *have to pick one- like a,b,c,d

yes but as you are reading it if you have thoughts about why you are choosing not why you are choosing it but “I think this I think that “

so I should just tell you what I think about each one, is that* what

don't tell me just talk aloud

ok

whatever thoughts u have as you are reading it

well I think that the rights of insurance companies really aren't* at play here because they are um providing the service and they can really do whatever they want in setting the price they want. In terms of repairs I don't think that it has to do with well I guess it does have to do with insurance because insurance pays for repairs but* I like c and d because in my mind it is the driver who picks the car and the accidents happen because they happen because of the driving skill so c would probably be my choice and* d I thought was a really good option because when they have these studies and they say oh 50% or whatever they're usually aren't providing really specific data which doesn't really support* their ideas I don't think....

Ok there is no right or wrong answer so don't worry about that you are saying uh let me have that back that was just to warm up your brain*

Dammit!

Now read this and let me know when you are don't reading it

[reading]..*... *...*...*...*...*...*...*...*...*...*...*...*.....I'm done

done?

Hm hm

ok....*... ok did u read everything?

Uh hu

let me have it back. Now just give me a summary of what you read

summary* of what I read- oh I don't remember the guys name

that is ok

he went to buy a car he took it for a test drive and they let him take it home for the night which I found kind of strange* um after returning like the following day he got into negotiations about a 2001 Nissan I think Altima they gave him whatever all* the paperwork it was a used car 2001 the sales price whatever the contract prices was lower than what he paid and there wasn't a previous user on the car they told him that it was executive* something he assumed that to mean that it was driven by executives in the corporation he later found out that it was used in a rental car agency which I am guessing means the car *took a lot more abuse and he believes I guess that he was defrauded and he wants remedies

ok anything else?... ok that is fine- you* can have this back now. Uuhhh and I just need to know what your thoughts are regarding the questions presented to you at the end of the case um um* whatever you say should mirror your normal thought process it should be as natural as possible and just like before just report what you are thinking but not really explaining why you think it

ok well I think he should get some damages but* at the same time it is his duty to read his contract before he signs it. Um I think he was defrauded and I think that the dealer should have been aware* of the person limited knowledge and should have taken that into consideration of when giving him papers to sign maybe explain some things to him....*...

Anything else?

If that is all that you think then that is all that there is

well I don't know much about car dealers* I also think that it is odd that they sold it with no warranty. And he should have I guess looked into that and considered buying a warranty of the car because I am sure that they make that an option. ..*...

Ok that is it? That is ok. Thank you for your time- we ask that you not discuss this study, the legal problems presented to you or any of your answers with anyone else at Hofstra. This* is to make sure that any other potential participants aren't tainted so that if we interview other people they don't know what is going on in advance. So that is it

Study 14 *- 15 second time stamp

Thank you for your participation today. This is a short research study on the development of legal reasoning skills by law students. This is not a test of your abilities but rather an attempt to determine how people think about legal problems.* You will not be graded and your answers will not be revealed to your professors. Your responses will be tape recorded to ensure accuracy. These tapes will not be shared with anyone outside of the research team. First you will be given a sample problem to work through. This* is to familiarize you with verbalizing your thought process. It is only a warm up and is not part of the study. When answering the questions please verbalize your thoughts as naturally as possible. Please do not explain or rationalize your thoughts but rather communicate them in a free flowing manner*, the easiest way to do this is to go through your normal thought process but say everything out loud as if no one else were in the room

so I am to read this* and

just basically what you are going to do

the reason why I picked the answer

yea just think out loud just as you would it in your head when you go through a problem just do it out loud

should I read this out load as well?

Whatever you feel more comfortable* with

I will read the example to myself first.... [reading]..*.....ok usually I would just go through *one by one so ok the reasoning is for because A accepts without question that insurance companies have the right to charge higher premiums for higher risk clients- bringing in outside knowledge I would say that is a correct* statement B fails to consider whether red cars cost the same to repair as cars of other colors... that has nothing to do with this so we will just move on C* ignored the possibility that drivers who drive recklessly have a preference for red cars, that sounds good so far Does not specify precisely what percentage of red cars are involved in accidents* [sigh] seems to make sense C and D are good E makes unsupported assumption that every vehicle accident* results in some loss of life.... looking back up it is just talking about accident not talking about loss of life so that doesn't apply so we are down to C and D [sigh] so now I need to re read the problem. [reading]...*..ok it does talk about loss of life..*..rereading the problem B is applicable too actually so that would be the best answer right? I like E actually so* are you going to tell me what the answer to this problem is or no?

I don't know the answer to the problems it is just to get you

I would say that it is E because it is assuming that lives can be saved it is assuming that every accident results in a loss of life

Next you will be* presented with a legal problem please read the problem out loud or to yourself and verbalize any thoughts that you have as you read it. This should mirror your normal thought process it should be as natural as possible. Remember just as in the previous exercise you only need to report what you are thinking without explaining why you think it.* Following the presentation of the case you will read a question, the information on these pages is the only information available regarding the problem

...*... I am going to read the problem to myself I have already read the question that I need to answer first I am just telling that to the tape recorder ...*...*...*...*...*...*...*...*...* ...
...[reading]...

Ok before you start looking at the question can* you please provide me with a summary of the case you just read

a summary of the case I just read? ok this guy [sigh] English is his second language went down to a car* dealership spur of the moment to buy a car test drove a 2001 Nissan Altima and took it home for the night came back and it is not the car he eventually bought he decided to buy it price fourteen grand no warranty as is he was told it was an executive car he later on he assumed* that that meant that is was driven by an executive member of the of the two companies that were in the example. Um there was paperwork that was presented which said used in all categories he signed some title but did say Enterprise Car Rental so he really didn't examine* it well and now months later with no problem his friend examined the car and said it was the title to the car and said it was used as a rental car so now he wants damages because he feel that he that he was lied to

anything* else?

Um that is a pretty quick synopsis I think

ok what are your thoughts regarding the question presented at the end of the case

can* I have this back now? What are my thoughts? I don't think he has a viable claim for damages that is* my thoughts um he could have examined the certificate of title which lists Enterprise auto rental any reasonable person would assume it was an um auto it was a leased it was a rented vehicle not an executive vehicle *for an owner of a company that had the car

anything else??

...On the question? No I don't see any fraud here. And* he bought the car as is so those are my thoughts

thank you for your time today. We ask that you do not discuss this study the legal problem presented to you or any of your answers with anyone else at Hofstra this is to ensure that other potential participants* are not tainted and we are able to gather quality data.

Study 15 *- 15 second time stamp

Thank you for your participation today this is a short research study on the development of legal reasoning skills by law students. This is not a test of your abilities but rather an attempt to determine how people think about legal problems. You will not be graded and your answers will not be revealed to your professors. Your responses* will be tape recorded to ensure accuracy. These tapes will not be shared with anyone outside of the research team. First you will be given a sample problem to work through. This is to familiarize yourself with verbalizing your thought process. This is only a warm up* and it is not part of the study. When answering the question please verbalize your thought as naturally as possible. Please do not explain or rationalize your thoughts but rather communicate them in a free flowing manner. The easiest way to do this is to go through your normal thought* process but say everything out loud as if no one were in the room.

[reading]...*...*...*...ok I am just going to read this question out loud- premiums for automobile accidents insurance are often higher for red cars than for cars of other colors. Justify these charges insurance* companies claim that overall a greater percentage of red cars are involved in accident than are cars of any other colors. If this claim is true then lives could undoubtedly be saved by banning red cars from roads all together. It doesn't really make sense to me* I mean off the top of my head I am thinking that although that may be true um there is going to be a certain amount of car accidents regardless um the reasoning in the argument is flawed because the argument* lets see.... accepts without question that insurance companies have the higher right I'm sorry have the right to charge higher premiums for higher risk* clients. Fails to consider whether the cars [reading] ...*... why is this flawed?* I think it is flawed because it is not the first one because* accepts without question that insurance companies have the right to charge higher premiums for higher risk clients, that makes sense to me an insurance company does have the right to charge higher premiums for high higher risk clients but it is assuming* that ... higher risk clients are those that drive red cars, um I am not sure the next one fails to consider whether red cars* cost the same to repair as other colors I don't think that is really at issue here because even if that is true um I don't think* that is an issue. It just seems to me that this statement is saying that red cars get involved in more accidents thus to compensate insurance companies have to charge a higher premium for people who drive red cars.*... I think I think that the answer is D does not specify precisely* what percentage of red cars are involved in accidents

Next you will be presented with a legal problem. Please read the problem aloud or to yourself and verbalize any thoughts that you have as you read. This should mirror your normal thought process*, it should be as natural as possible remember just as in the previous exercise you only need to report what you are thinking without explaining why you think it. Following the presentation of the case you will read a question. The information on these pages* is all the information available regarding the problem.

I should read this aloud?

Whichever way you feel more comfortable as long as you verbalize your thoughts as they come to you.

Eight* months ago your client...*[reading]...does your client have any

ok wait before* you answer the question

yup

please provide a summary of the case that you just read

um look this has been a long day for me I would just say that I have had a bunch of hours of class but* from what I read the customer went to a dealership to purchase a car the salesman let him test drive a Nissan Altima and he drove it home and then he wound* up purchasing a used vehicle from the dealership that was represented by the salesman as executive driven. He signed some forms and when he purchased the car listing the specs* on the vehicle \$13,999 what the price I think there were a certain amount of miles in the 30,000 range um it said that the car had been owned* by an automobile rental company that rented cars to individuals and that this was the first reregistered assignment or something so*, based on those from what I read um can I answer the question snow?

Well is there anything else you can recall about the study I mean about the case?

Um* lets see- oh there was something with the check box it said like uh there were like certain check boxes or something that said I thought it was the used check box there was like new or used* and it was like checked uh something I don't really remember, something to that effect. I would like to look at it again

what are your thoughts regarding the question at the end of the case?

Well* my thought is that the customer was ya know needs help to recover any damages that he has incurred from this purchase. The question at the end of the case, what* is the basis for your answer is that what you are asking or does your client have any viable legal claims for damages? I think that is a fair question

anything else?

it said something about attorney's fees* and I know that ya know I was wondering about that why is it telling me about attorney's fees. Ya know in my mind regardless of whether the attorneys fees are awarded or not to the prevailing party the client still has to take* the risk of pursuing this and is that going to be a cost he wants to incur for the level of damages that he may receive in return it might not make sense. Only if he wins does it makes sense and he may not win so* I would I don't think that is an issue really ya know as part of this I would focus more on whether or not ya know is there a claim here and then decide there is always the chance that you are going to lose the case so ..

anything else?

Uh um**.. I don't know the statute your state has no statute that applies to this type of situation I can't see um no statute so if there is no statute then you are just going to make an argument* on traditional common law doctrines and uh there is a lot of uh you know arguments that you can make and contract under the UCC or ya* know as uh as uh as persuasive to the situation that you are in here. That is it

Ok thank you for your time today. We ask that you do not *discuss the study, the legal problems presented or any of your answers with anyone else at Hofstra. This is to ensure that other potential participants are not tainted and that we are able to gather quality data. Thank you

Study 16 *- 15 second time stamp

This is a short research study on the develop of legal reasoning skills by law student. This is not a test of your abilities but rather an attempt to determine how people think about legal problems. You will not be graded and your answers will not be revealed to your professors. Your responses will be tape recorded for accuracy. These* tapes will not be shared with anyone outside of the research team. First I am going to give you a sample problem to work through to kinda warm up your brain. And familiarize you with verbalizing your thought process. This is only a warm up and is not part of the study. When answering the question please* verbalize your thoughts as naturally as possible but do not explain to rationalize your thoughts just communicate them in a free flowing manner. Pretend you are talking to yourself

ok

um the easiest way to do this is to go through your normal thought process and say everything out loud as if no one else were in the room*

ok you need this and just try and speak clearly so that the tape picks it up

am I reading this to myself

you can do whatever you are comfortable with

ok ...*...*[reading]...ok um I am going to go with uh* [reading aloud - mumbling] ok makes an unsupported assumption that every automobile accident results in some loss of life, B, that is my answer*

ok ok anything else that you have to say

about that? Um well I guess um in reading the problem um when it says you know that lives would be saved* it you just banned red cars like you just assume like that every time there is an accident like when it says lives would be saved again it is just something that um banning red cars would save lives in other words every time* you are in an accident there is a life that is lost where that is not necessarily the case so that is why I went with B.

Ok let me have that back

sure

that was an LSAT problem

was it

oh yeah

is there a right answer?

I don't know the answer and they won't tell me*

I don't even care

next you will be presented with a legal problem please read the problem aloud or to yourself your choice and verbalize any thoughts that you have as you read it. If there is any information that you are wondering about that you think is missing say that out loud um* just make it as natural as possible. Remember just as in the previous exercise you only need to report what you are thinking without explaining why you think it. Following the presentation of the case you will read a questions. The information on that page is all the information that is available* regarding the problem. You can read this and ask you to read this and let me know when you are done reading

do you mind if I um

you can write on it

ok thanks [reading]..*...*...*..... it is executive driven?* What does that mean? Oh! I am talking to myself!

No but it is good that you said it out loud

as is no warranty I don't think that you can do that [reading]...*...*...*...ok it doesn't say the *documents don't say who the prior owner is but the front of the certificate of title says enterprise auto rental so you can kind of draw the assumption that I mean although it doesn't say who the owner is on the document* it is obviously enterprise ...*[reading].... he admits he was not under duress because he admits that he was not pressure or rushed into completing the papers although* he doesn't know what he signed there was no duress um...*.. ok it seems like the client might have been misled when* um Lawrence said that the car was executive driven giving him the impression that like it says here some high ranking employer is someone I don't know if that would make someone* think that um ya know that makes it a better car you know what I mean um like supposedly executives are better driver or they maintain their cars better I don't know. You could say that he relied on that statement* but again I don't know what the statement um impeded ya know...*..

Have you read everything?

I am almost done*.... ok so he doesn't have um any legal claim for damages I don't see um did u want to ask me something about it* ok

ok I am going to turn this over and ask you to give me a summary

ok um my client who is um a 37 year old not highly educated he* is his uh first language is Spanish so I would assume that he has some issues comprehending the transactions that took place but he went into a used dealership looking for a car. He *was actually given a car overnight um a used Altima to test drive that wasn't the car that he ultimately purchased

however. Um the car that he did purchase um during the transaction the sales agent* told him that it was executive driven um according to the fact that pattern it seems that my client relied on those statements how I am not exactly sure maybe in his mind maybe he thought that made it a better car but none the less* he relied on that um but the certificate of um the certificate of sale or purchase or something like that did not mention who the previous owner was. Um well the document didn't mention it but I think something* some form or something listed enterprise rental company as a previous owner although the documents that my client must have signed did not um so anyway he bought the car and um* I guess some time after having the car although there were no problems a friend of his noticed on the certificate that the previous owner was a rental company and at that point my client felt misled in some way and he is seeking damages.* The problem is that there is no statutory provision allowing damages here because even though he wasn't under duress there was no um it didn't seem that there was any um there weren't really* any problems with the transaction like he relied on the term executive executive driven although it can be said that he doesn't speak English very well and maybe it should have been explained to him but he seemed to have understood the transaction he went in to purchase the car he is 37 years old* um so I don't think that he is allowed any damages although it says something about allowing attorneys fees for this kind of transaction but I am assuming that there has to be some sort of cause of action before you can even collect attorney's fees* so yeah so I think my client is kind of ?? out on that.

Ok

we are not supposed to get any feedback from you right?

Nope not at all

ok so just read the question at the bottom and let me know* if you have any other thoughts

ok based solely on these facts does your client have a viable legal claim for damages? What is the basis for your answer? Again I don't think, do I have to can I read this last paragraph

you can read whatever* you want

ok [reading]..... yea there is no cause of action here* it is kinda like a big "so what" ya know? Its kinda like ok so he relied on this statements saying executive driven here there is no injury to him there the car there was no serious malfunctions since he has purchased the car it seems* to have run well I don't know that um the the seller was even obligated to tell him who the prior owner was there is nothing that indicates that um it says none of these document make reference to the prior own but the front of the certificate of title said enterprise* so when he was going through his transaction he could have just really read um more closely and found out who the previous owner was but I don't know if that even makes a difference um he didn't suffer any injuries so therefore there would be no viable claim* for damages

ok I want to thank you for your time today and ask that you not discuss the study or the legal problems presented to you with anyone at Hofstra this is to ensure that you don't taint other potential participants

ok

and we want to gather quality data*. That is it.

Study 17

thank you for your participation today. This is a short research study on the development of legal reasoning skills by law students. This is not a test of your ability but rather an attempt to determine how people think about legal problems. You will not be graded and your answers* will not be revealed to your professors. Your responses will be tape recorded to ensure accuracy. These tapes will not be shared with anyone outside of the research team. First you will be given a sample problem to work through*. This is to familiarize yourself you with verbalizing the thought process. This is only a warm up and it is not part of the study. When answering the question, please verbalize your thoughts as naturally as possible. Please do not explain or rationalize your thoughts but rather communicate them in a free flowing* manner. The easiest way to do this is to go through your normal process but say everything out loud as if no one else were in the room. Basically just think out loud. Whatever you would be normally thinking in your head* just say it out loud

alright, right now

yea

um premiums for automobiles ok uh first thing I notice is red cars and* I know that uhh[reading].... ok so then there is some support for that from* it says insurance companies claim that a greater percentage of red cars are involved um so that is why the insurance is higher...*....um basically we have a proposition and then a conclusion at the end um I don't really agrees with it but ... um while* becauseuh do you want me to read through all of them first

however you feel more comfortable doing it

...* B..... I would automatically probably cross out um ?? Uh C I am not to sure*..... D there are no numbers listed that is true um the amount is um Uh E* nah that is true to there is no mention of lives saved but it is good that uhh let me reread the question*... ok I think that I am going to have to go with uh E because um* there is no talk about lost lives

ok next you will be presented with a legal problem. Please read the problem out loud or to yourself and verbalize any thoughts you have as you read. This should mirror your normal thought process*. This should be as natural as possible. Remember just as in the previous exercise you only need to report what you are thinking without explaining why you think it. Following the presentation of the case you will read a question the information on this page is all the information available regarding the problem*

ok there are 2 pages

yes

um problem uh Alexander samos 37 year old electrician with not much education* um ...buy a used car....*.... test drive a different car..... executive driven used car it was an Altima* no warranty.....warren Edward warren is the car salesman and documents for signing* purchase

prices \$14,000, ...*....enterprise auto rental is the original owner maybe ???*..... ?? Due at signing but registered.....*... so he decided that he didn't know what he was really signing...*... comes well equipped with the Altima he just found out that it was an automobile rental company so it was a rental car. He thought executive driven meant *[laughing] previously been used by high ranking employees executive driven it is not very self explanatory he knew that this was a used car* but did not know it was a rental car..*... uhh

Before you start

yes

answering the question, please provide me a summary of the case that you just read*

ok there is a 37 year old man that wants to buy a used car I think he probably speaks Spanish ?? Uh he goes to buy a used car the car dealer tells him that it is executive driven* that he doesn't really understand so he thinks that he is just buying used car but it turns out that the car is really a rental car that is probably been used driven a lot more um and he wants to seek* damages and I was unsure why I have to reread it again um

anything else you remember

um uh lets see um uh it was the box marked* used car instead of new or old um the statute provides attorney fees um the statute does not provide for* um damages for this type of situation I don't think that there has been a situation like this before. Ummmm it was a Nissan Altima 14,500

Anything* else

uh I think that is about it

what are your thoughts regarding the question at the end of the case

um the part is based solely on these facts-

yes*

what are my thoughts about I would have to reread it I don't really know what he is suing for I think that it what viable legal claim to damages would have then again I guess that* the car dealer misrepresented that it was um just a used car as opposed to a rental car

anything else?

What is the basis for your answer? I would have to say I would have to go back to the statute but* I don't have the statute

all you have is provided

um there has to be some sort of I guess there could be some sort of damages because* he did misrepresent that the car was used car when really it was a rental car but then the rental car is a used car so... *... um and executive driven I don't think that I think that even a person with an education might mess up I am in law school I wouldn't know what that means- executive driven um I think maybe that the car dealer* would have had to explain that um anything else that I can come up with um but he did mark off that it was used in all the boxes ..*.. and it doesn't* seem like there are any problems with the car either says here no serious malfunction so I am curious to know I guess the only thing he wants damages for* would be the that he was deceived into purchasing the car because he lied about something ok ...*... um I think that he does have a viable legal claim for damages

ok anything else*.

No

Thank you for your time today we ask that you do not discuss the study, the legal problems presented to you or any of your answers with anyone else at Hofstra. This is to ensure that other potential participants are not tainted *and that we are able to gather quality data.

Study 18

Thank you for your participation today this is a short research study on the development of legal reasoning skills by law students. This is not a test of your ability but an attempt to determine how people think about legal problems*. You will not be graded and your answers will not be revealed to your professors. Your responses will be tape recorded to ensure accuracy. These tapes will not be shared with anyone outside the research team. First you will be given a sample problem to work through. This is to familiarize* you with verbalizing your thought process. This is only a warm up and it not part of the study. When answering the questions please verbalize your thoughts as naturally as possible. Please do not explain or rationalize your thoughts but rather communicate them in a free flowing* manner. The easiest way to do this is to go through your normal thought process but say everything out loud as if no one else were in the room

alright well I will start reading this sample questions uh beginning with the questions* themselves it is obviously looking for a flaw in the argument umm therefore it is looking through the facts and looking for a flaw um at first I noticed the first 2 propositions* don't really have any sort of an if then sequence they just sort of statements of fact almost or at least they are trying to be um and then the third statement if this claim is true obviously presumes for the first 2* sentences to be true as well as something else umm which is where I think that the flaw is um it seems to be assuming that there is a direct correlation between the number of red cars and accidents um and the fact that those accidents* always result in physical injury or actual loss of life so the answer is E

ok next you will be presented with a legal problem. Please read the problem out loud or to yourself and verbalize any thoughts that you have as you read* this should mirror your normal thought process it should be as natural as possible. Remember just as in the previous exercise you only need to report what you are thinking without explaining why you think it. Following the presentation of the case you will read a question. The information on this page* is all the information available regarding the problem

alright I will read out loud and interrupt myself as things occur to me. Eight months ago your client Alexander Samos a 37 year old electrician with 8th grade education uh * immediately I don't know what the rest of the thing is about but a 37 year old electrician with an 8th grade education is quite possibly an issue umm went to the midtown Chevrolet dealership and told the salesman Mr. Warren that he was looking for a used vehicle* um Mr. Samos's second language is English also could be an issue um whether or not this ends up being a contract uh could be ya know any quality of bargaining power things of that nature Mr. Samos whose second language is English has not dealt with the dealership* on any prior occasion and called his decision to look at its cars spur of the moment this is all ?? The case after discussing available cars and financing with Warren Samos took a Nissan Altima different from the one he eventually purchased home for the night* as a test drive the following day Samos returned the car to the dealership and began discussions about a 2001 Nissan Altima that he ultimately purchased. Warren told him that it was executive driven and that it was a great used car*... Whether or not the definition of executive driven I don't know whether that means something like uh certified used in the context of Toyota that might be an issue so I would mark that the sticker stated 2001 Nissan Altima 4 door GLE 14 grand* as is no warranty again this ends up being quality of bargaining power so

its pretty irrelevant. But his decisions to purchase the Altima Warren prepared a number of documents for your client to sign* remembering again that the client's first language is not English. These documents which Mr. Samos shows you include a retail installment contract purchase price of \$13,999 odometer disclosure* uh handwritten sales order to prove certificate of title. Uh the retail installment contract contains the typed word used in the box designated new or used as it should both vehicle sales order contain checks in the used box. It also contains boxes* labeled new and demo. None of these documents make reference to the car's prior owner, that is probably going to be an issue. The front of the certificate of title lists Enterprise Auto Retail Rental of Indianapolis* um which would imply the previous title owner uh which is probably is a rental company um back of the title contains a section labeled first reassignment by registered dealer only are the words Midtown Chevy is listed as dealer and Samos is listed as purchaser*. Client admits signing all the paper although client does not remember in detail each form that he signed that is not atypical he did recall that he was neither pressured nor rushed to complete the paperwork Samos admits that having* driven the Altima since it's purchase without any serious malfunction. Recently his friend looking closely at the certificate of title and found that the previous owner was an automobile rental company something that Samos may have noticed himself. Umm your client states that he interpreted Warren's statement executive* driven to mean that the car had been previously used by high ranking employees of either Nissan or Midtown Chevy. He feels that he was deceived because he relied on that statement. Client admits that he knew he was purchasing a used car but did not know nor did he inquire further about the Altima's history* or previous owner. Client wants any damages to which he is entitled. There is no statute that applies to this type of situation. It does have a statute however that allows a court to award attorney's fees to prevailing party and in the case concerning consumer transaction. uh* based solely on these facts does your client have any viable legal claim for damages?

OK please provide a summary of the case that you just read

uh 37 year old man with an 8th grade education works as an electrician* his second language is English his first language is Spanish goes to a used car dealership um shows up looks at a car is given a car similar to one that he ends up purchasing to take home to test drive which is a pretty good sales tool* shows up the next day sticker price 14 something or other um ends up purchasing a 2001 Altima like the one he got for 13999 signs a whole bunch of paperwork uh typical sort of transaction uh was told* I guess prior to the completion of the sale that he was getting an executive driven car which ended up being an issue because he thought it meant high ranking employees but it really meant that it was a rental car. Um got the title neglected to look at it closely one of his friends after getting the car home without incident* noticed that the title said rental company which at that point he felt like he was deceived and he called me to see what kind of damages he can get

anything else?

No I mean uh ...*in terms of facts no I think those are the things I would rely on

what are your thoughts regarding the question presented at the end of the case?

....*.... my thoughts on the question- uh it seems like a maybe I am jaded from taken some law school exams but it seems like a pretty typical* question um given the fact pattern you are supposed to operate strictly on the facts that you have been given without necessarily assuming anything outside of trial situation imposing all sorts of bizarre hypothetical um just working with these facts um and applying what law you either* have in an open book exams or the law that you brought in your head, it is obviously a contract case uh I think that the main facts I mentioned as I mentioned it as I was reading were more serious second language issue lack of education potential* problems of undue influence, quality of bargaining power things of that nature so I think that the question is very straight forward um I mean obviously the first part of it the answer is yes or no and any reasonable attorney would say yes I think at least* give it a shot um and the basis for the answer I think that you explain the contract backwards

anything else?

Not that I can think of

thank you for your time today we ask that you do not discuss the study the legal problems presented to you or any of* your answers with any else at hofstra. This is to ensure that other potential participants are not tainted and that we are able to gather quality data.

Study 19

Thank you for your participation today this is a short research study on the development of legal reasoning skills by law students. This is not a test of your abilities but an attempt to determine how people think about legal problems. You will not be graded and your answers will not be revealed to your professors. Your responses will be tape recorded* to ensure accuracy. These tapes will not be shared with anyone outside the research team. First you will be given a sample problem to work through. This is to familiarize yourself with verbalizing your thought process. This is only a warm up* and it not part of the study. When answering the questions please verbalize your thoughts as natural as possible. Please do not explain or rationalize your thoughts but rather communicate them in a free flowing manner. The easiest way to do this is to go* through your normal thought process but say everything out loud as if no one else were in the room

[reading]....*...um the first thing that jumps out at my mind is the what they are trying to* uh connect that lives could be inevitably saved by banning cars all together it seems a little too far of a conclusion to make um...*. I think that when reading through the answers the first one is uh not applicable um I would likely go with answer C* ignores the possibility that drivers who drive recklessly have a preference for red cars um that's it

next you* will be presented with a legal problem. Please read the problem out loud or to yourself and verbalize any thoughts you have as you read this should mirror your normal thought process it should be as natural as possible. Remember just as in the previous exercise you only need to report* what you are thinking without explaining why you think it. Following the presentation of the case you will read a question. The information on this page is all the information available regarding the problem

[reading]...*....first* thing that jumps out uh the plaintiffs second language is English uh leads me to think that he might be a little naive also the fact that he hasn't dealt with a dealership before and that his decision was spur of the moment tends to be leads me to believe that he might be a little impulsive* in his decision making process ...*...*...*. he doesn't remember the documents he signed in detail that seems to be an issue* or could be coming up ...*...*... the question is do I think that my client has any legal

hold on* before you get to that question

ok

can you provide me with a brief summary of the case you just read

sure um a gentleman by the name of sa uh I don't recall the gentleman's name* he was of foreign decent and had never dealt with this car dealership before was interested in buying a used car went to the dealership owned by mr. Samos and spoke to him about purchasing a new car he took a 2001 Altima Nissan Altima not the one that he did purchase* out for a test or for actually for the night the the next day he came in and uh negotiated a deal with the um salesman and uh signed a number of documents by uh financing agreement*, certificate of title, um these

documents spoke to the condition of the car the odometer and things like that it also mentioned that the car was an executive driven automobile which our client was believed meant* that it was only driven by preferential customers of the old of the dealership the title that our client received also said who formally owned the car and it was a automobile* rental company this was discovered later later after our client had been driving the car for a while and a friend noticed that on the title our client is interested to know if he has any claim for damages on the above legal issue

anything else

that I recall* about the facts uh not ??? I think that I covered the facts pretty well

what are your thoughts regarding the question presented at the end of the case

um uh no* I do not believe that our client has any kind of claim for damages. Um he did sign a contract which which he could make an argument that contains* ambiguous language the terms of executive title or executive driven however there is no evidence that our client took it upon took upon himself to inquire what that meant just signed it on his own. Courts um often are very strict regarding to what signed* contracts when they read them thinking that they know what they are getting themselves into beforehand um so that is my reasoning on that one

anything else

no I think that that covers it

thank you for your time today we ask that you do not discuss the study the legal problems* presented to you or any of your answers with any else at Hofstra. This is to ensure that other potential participants are not tainted and that we are able to gather quality data.

Study 20

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[reading].* ...*...*...*...*.... um*.... I mean I guess out of these choices* I would probably agree with E because it just makes an assumption that just because people buy this red car which possibly gets into more accidents than other cars um is going to result in some you know loss of life it doesn't* ya know it does say that people who buy red cars are more likely to get into accidents but it doesn't say that these accidents are going to cause loss of life um in which you know some other options would be ya know broken bones, bruises*, lawsuits but um I don't think you can particularly say just from this brief statement that if red cars were pulled from the road that lives could be saved by banning these red cars from the road all together*

ok anything else?

Um ...

There doesn't have to be I am just checking

I mean I uh uh I I think that from all the choices that is the best answer but I wouldn't necessarily* say that is maybe the only answer

ok now give me this back, next you will be presented with a legal problem please read the problem out loud or to yourself and verbalize any thoughts you have as you read it. This should mirror* your natural thought process. It should be as natural as possible. Just as in the previous exercise you only need to report what you are thinking without explaining it. Following the presentation of the case there will be a question the information on the page is the only information regarding* the problem. If there is other information that you want like I wonder if this, then say that uh read it and then let me know when you are done reading it

can I write or uh

yes you can write

I can write on this?*

Mm hm

ok [reading]... *... *... *... *... *... I am reading without getting to a problem I am just curious um about the Nissan Altima he took home* is it the same car that he eventually bought *... *... *... *... also it says that none of the documents make reference to the cars prior owner I mean if one of the* necessary items with the bill of sale is that it must be denoted on the bill who the cars previous owner should be on the bill but I don't know if that is the case. ... *... *... *... *... *... *... *... *... I am also unsure about besides the fact that he feels um mr samos feels that he was deceived into purchasing the car I am kinda wondering what kind of damage he is selling I mean he's he would he would* uh he would sue for because the car seems to be driving fine without any serious malfunction so you said he just wants to seek some kind of action based on the fact that he seems* to think that he was deceived by um the uh what is it uh midtown Nissan and Chevrolet and by the fact that the car was supposed to be executively driven and he found uh he found out* it was a rental car company um

Did u read everything

yea I mean I uh

let me have this- no go ahead no keep talking but give me the piece of paper

ok*- um I don't I don't really think that there are any viable viable legal damages here and based on in this state there is only a statute where um if the person won on consumer claims they could collect* legal fees I mean if you want you can go tot court to collect legal fees and pay off his attorney I mean I don't see what kind of ya know if anything just break even I don't really see any damages he could sell for based on the fact that from* what I read there there was no type of serious malfunction to the car and um so yea

now just give me a brief summary of the story

the story*?

Not necessarily what you think about the story but just the facts

ok um mr samos goes to midtown Chevrolet and Nissan to purchase a car um they let him borrow the car overnight which I don't even know if it's a policy I have never really heard of that but I have never bought a used a car so I* don't know um so they let him take it home and the next day he or whenever he comes back I would assume the next day or later in the week buys the 2001 Nissan Altima I think it was about \$14000* about 14 and change nothing really is wrong with the car. He wasn't forced or coerced to sign any kind of document he did it of his own free will of his own volition* and then um he has a friend who is looking I guess over the title or that he comes across it for some reason or another and find out that instead of the car being "executively driven" it was a rental car and then sold* to him now it also states that there were ya know no malfunctions to the care no serious malfunctions he is seeking damages I guess to I guess maybe return the car because he feels he was* tricked into buying a car because it was

a rental car rather than oh lets say lets take out for a test drive and out of the office so that is what I got out of the story

ok* now can you tell me if you have any additional thoughts about the question at the end of the case

...*...uh well my questions would be I mean if there were no serious malfunctions of the car and he's really only* bringing the claim because he feel she was tricked into signing the contract I mean I don't really think that he has a claim because he states himself earlier in the case that he wasn't forced or pushed to do* anything you have the documents ya know its not he fault of Nissan midtown Chevrolet um that ya know it wasn't it's not their fault if he didn't look over the documents* properly I mean um I know ya know in the situation that you are dealing with our client but I don't really think that he doesn't have a strong case here and any kind of claim I mean uh* if he was going to go to court saying he was tricked and collect ya know on the statute legal fees I mean it would just basically break even I couldn't really see him collecting on anything here

ok * anything else?

Uh I think that is it

ok thank you for your time today we ask that you not discuss the study the legal problems presented to you or any of your answers with anyone else at Hofstra this is to ensure that other potential participants* are not tainted and that we gather quality data