

Study 21 *- 15 second time stamp

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 shared with 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. This is to familiarize you with verbalizing the thought process. It is only a warm up and it 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 aloud as if no one else were in the room*. Pretend you are talking to yourself. This here you go

[reading]..*...*...*. ok so the insurance company is trying to justify charging more for red cars because they're more likely to be involved in accidents but they didn't substantiate it *with any kind of statistics. Um also they didn't look at the results of the accidents. Um* like part E suggests that maybe not every accident results in loss of life maybe the red accident the red car accidents are you know just bumper damage*. There is no definition of what an accident is according to the insurance companies is it a fender bender is it something more serious um it also doesn't look at the fact that not all accidents are reported um* I also don't know if they remove accidents that are deemed to be insurance fraud I don't think B makes any difference at all whether or not* it costs the same to repair cars of other colors because cars are cars a red Nissan is going to cost just as much to fix as a blue Nissan* um I don't know if there is any kind of psychological study that says that people that drive red cars drive more recklessly than other people maybe red is just a cheaper paint and maybe there is just more red cars than any* other color maybe people just like red because they can find them in the parking spaces. How long do I have to talk about it?

As long as you want

ok

ok nothing else?

No

ok* that was just to warm up your brain

alright

next you will be presented with a legal problem please read the problem aloud or to yourself and verbalize any thoughts you have as you read it this should mirror your normal thought process it should be as natural as possible* remember that 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 the page is all the information available regarding the problem. If* while you are reading if you think I wonder this or I wonder this and

it is information that is on the page say it out loud because that could be important. So I am going to give you the problem. When you have read it through one complete time let me know

ok ...[reading]*...*...*...*...*...*...*...*...*...I read it once

ok, both pages?*

Yes

ok let me have it back quick. Just provide a brief summary, well . . . just please provide a summary of the case you just read

ok, um a 37 year old man with uh an 8th grade education went* in to a car dealership in order to purchase a car and he had one in mind but he ultimately choose a different car a Nissan Altima GLE or something like that um he signed a bunch of paper work and* was told that the car was in good condition that it had been “executive” driven um some of the boxes checked off on the document indicated that it was a used vehicle uh he* pur—, uh, he took the car home with him for the night brought it back uh he purchased it there wasn’t any problem and then after a friend looked at the paperwork and saw that it had been previously owned by a rental company he* decided to try and seek damages.

Ok, anything else??

Uh and the question is does he have a case

ok you can have this back* uh and what are your thoughts regarding the question presented at the end of the case

um whether or not he has a viable legal claim for damages? I am not sure what damages he would show* based on theses facts the car is working he knew it was used I don’t know if the previous owner makes any kind of difference the only thing that I can think of off the top of my head is um maybe if the odometer was rolled back and the* car is actually was actually used much more then it had been as indicated by the forms then maybe then he would have some kind of claim because the car would break down faster then he think that it will because 31,000 miles isn’t that* . . . the car wasn’t heavily used if there was only 31,000 miles but if there is really more like 60,000 he will have to start changing time belts or something I don’t know about cars um he* wasn’t pressured to buy the car he had time to read the paperwork before he did it, before he signed anything and agreed to it. I wonder if a mechanic looked at the car and said that there was anything* wrong with it I am not really sure why who the previous owner is makes not much of a . . . of a difference unless the dealership did falsify the documents presented to this man um* so far it doesn’t seem like the fact that he has an 8th grade education or has English as a second language makes a difference here because it doesn’t seem like he was really taken advantage of*.. and the sticker said that there was no warranty on the car so he was alerted to the fact that he was buying the car as is... *..I mean I guess he didn’t know that he was entitled to know who the owner is he could have done a vin number search to see if it had been in any accidents or* um had been stolen or had some kind of bad past history...*.. I also don’t know

what the difference between executive driven as he interpreted it and the used car uh car dealership* owning the car. I am not sure what the difference between that would mean because if high ranking employees used the car they could have used it just as much as a rental company would abuse the car*... I also don't know if he should even bring the case because the only statute that we have is that he gets attorney's fees. So* . . . I don't know. If he can't show damages in any way then he is just going to have a piece of paper that says that he was right and was taken advantage of but he is not going to get any kind of monetary compensation for it*

anything else?

no

no? ok

I am done

well alright. uh I want to thank you for your time today we ask that you not discuss the study the study excuse me 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 22

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 it isn't part of the study. When answering the questions please verbalize your thoughts as naturally as possible. Do not explain or rationalize your answers but rather communicate them in a free flowing manner. The best way to do this is to act* as if u are in a room by yourself and you are just reading through the problem and thinking out loud while u are going through the problem

do you want me to read it out loud?

You can read it out loud or to yourself but just as you are thinking* just verbalize what you are thinking.

[reading]..*...*... ok um I am pretty sure that it is going to be either c or d um it ignores the possibility that drivers who drive recklessly have a preference for red cars. Does not specify precisely* what percentage of red cars are involved in accidents. Um lets see here

just be sure to verbalize whatever you are thinking

yea um I am coming up with uh one thought process for uh* all bananas are fruits but not all fruits are bananas kind of thing ...preference for red cars...*...um I am leaning more towards C only because it does fit the profile um and that is what I guess I would I would choose um lets* see but then percentage of red cars that are involved in accidents, if there is a higher percentage of red car involved in accidents* um no I would go with c yea d doesn't make any sense at all yea that's based upon that line of reasoning like I said

next you are going to be presented with a legal problem. Please* read the problem aloud or to your self and verbalize any thoughts any thoughts uh you have as you are reading. This should mirror your normal thought process it should be as natural as possible remember uh just as with this previous exercise you need only report what you are thinking but you don't need to explain or rationalize* the answer that you come up with. Following uh the presentation after the presentation of the case you will read a questions. The information in the page is all the information available regarding the problem

[reading]...*...*...*...*...*...*...*...*...*...*...*...*...ok these are the questions at the bottom? Based solely on these facts is ??? *

Oh you don't have to answer the question just whenever you are done reading let me know

alright I am done

uh if you could just please provide a summary of the case you just read

uh* a summary um this guy who uh does know or uh has English as a second language he goes to a car dealership un he uh test drives a Nissan* Altima used car apparently a 2001 and um uh he actually takes it home tests drives it um returns it the next day I believe and um OH before* all this happens he's also told that he used car was executively driven or driven by executives or something to that effect um and he ultimately buys the used vehicle um* and then later on he finds out that um thought a friend of his that the car had been um previously owned by uh a rental car company and that is what* apparently the dealer meant by executive driven um however the client our client believed that the car um was driven by executives of the dealership rather than* um a rental car situation um and he felt that he was deceived uh nothing mechanically was wrong with the car I believe and um he still however wants damages* uh for his misleading information that he got

is there anything else

um maybe some names um* other than that no ok I can't think of anything else

ok I am going to give this back- what are your thoughts regarding the question presented at the end of the case?

Um let's see um I* don't think that he does have any claim for damages um this particular situation um and it didn't seem like he uh the dealer was trying to deceive* him in any way um in any event there was no damages that he client suffered he didn't the car the car had no problems uh I mean if* ultimately he wanted a vehicle that wasn't used by a lot of strangers ya know renting a car then that should have been expressly told to the dealer* that is about it

anything else?

About the last question no

ok that is 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 anyone else at hofstra. This is just to ensure that any other potential participants aren't tainted and the um we get quality data for our study.

Study 23 *- 15 second time stamp ???- unintelligible

ok Thank you for your participation today. This is a short research study on the development of legal reasoning by law school students. It 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 the research team. First you will be given a sample problem to work through, this is to familiarize you with verbalizing the thought process. It is only* a warm up and its not part of the actually study. When answering the question please verbalize your thoughts as naturally as possible. Please do not explain or rationalize your answers but rather communicate in ta free flowing manner. The easiest way to do this is to just pretend like you are reading the problem by your self in the room and just verbalize anything that come to your* mind ya know as you are reading the problem. Ok let me give you the problem

[reading]...*...*...*....ok I have read the problem so now just start talking about it?

Just whatever you are thinking

um ...*.. well I kind of a agree with um C well it seems to um relate to a policy basis that you can ban* any color car off the road but where do you it is not the it is not the color of the car that makes it more likely to get involved in a n accident unless the color of the car is somehow* related to the incident of the accident itself for instance the red paint um for some reason deteriorate auto parts or something that is making the car more likely to ya know fail* and and to handle badly and therefore to get into an accident um I guess the A part excepts with out question that insurance companies* have the right to charge higher premiums ya know well that is almost like saying at this point that the earth is round and rotate around the sun? um B is immaterial I think* whether red cots red cars cost the same to repair as cars of other colors um because they are not telling about the cost of the claim they are talking about the number of cars involved. I don't think it matters precisely what percentage of red cars are involved *in accidents um yea and um maybe an unsupported* assumption that every auto mobile accident results in some loss of life but certainly every automobile accident probable results in some risk of loss of life so ???*

Ok next you will be presented with a legal problem. Please read the problem aloud or to your self and verbalize any thought you have as you are actually reading. This should mirror your normal thought process it should be as natural as possible* remember just as with the previous exercise you need only report what you are thinking without explaining or rationalizing 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. You need this* again if you want to read it aloud or to yourself just verbalizing what ever you think and then when you are done just let me know

ok [reading]...*...oh here is kind of an interesting thing, someone whose second language isn't English and who has an 8th* grade education using the phrase spur of the moment that to me seems that it maybe possibly maybe factually important....*...*...yea the likely hood that

somebody there* is a generic meaning to the term executive driven is also may be somewhat factually significant...*...*...*...*...*...*... ??? allowing the court to award attorney's fees I don't think um unless he has a claim um that just so patently would qualify for an award of attorney's fees that is the only* place where I think that might be pertinent ...*... I don't see um a material representation here* um that says that since there is not a statute I guess we are going by typical contract law here. The identity of the person driving the car* you have to show that that was material I mean the milage wouldn't differ

you don't have to actually start answering the questions as ;long as you are done reading*

oh ok I am done reading

please provide a summary of the case you just read

Um my client um purchased a used automobile uh after* being told that it was executive driven um he assumed executive driven meant driven by high ranking uh executives of the automobile* company manufacturing the car. Uh he subsequently learned that uh after a friend reviewed the paperwork accompanying the car the sales paper work that the previous owner was a rental* company um and this led him to feel that he uh was defrauded into buying the car because the fact that it was a rental company couldn't ya know just couldn't mean that it was executive driven.* Um there are some issues uh with his language possible issues with his language skills. And uh he wanted to know whether or not he has a claim, any legal claim to I guess contest* the sale of the car, get out of the contract.

Anything else?

Um There is this issue of a statute awarding uh allowing a court to award attorneys fees in consumer transaction* claims uh that's it

ok I will give you back your case. What are you thoughts regarding the questions at the end of the case

uh...*... I think that it is a little vague because it is not that it it is tough to answer when you say that the state has no statute* that applies to this situation well there is a lot common you may have common law um a variety of common law claims um this is the way I mean initially* the only thing that would come to my mind would be some kind of contract claim um and that would seem to me again like a material misrepresentation but um...*

anything else good. Thank you for your time today. We just ask that you don't discuss the study the legal problem or the answers that you provided with anyone else at Hofstra. This is just to ensure that potential participants aren't tainted by what you said*

ok

thanks a lot

ok I am going to ask you to give me a summary of what you read

Um it was an individual Mr. Samos who um I remember he has 8th grade education and he is* interested in purchasing a car he went to a dealership um ??? interest in a used car they gave him a car to take home overnight to test drive one that was not like his original* that he was planning on purchasing um but he took that for some reason but he went back to collect his car it was a 2001 Altima I believe the sticker said something about the price* being \$14,500 um and there was no warranties and he agreed to take it as is, he then signed a few documents one uh price ??? \$13,999* there was a handwritten and a typed bill of sale or something like that with all the boxes on the form were checked used um one of the forms I can't remember which one said* that um the vehicle had just been executive driven um and what else you don't have anything else* but from the forms he took the vehicle home and he had the vehicle for a while um no problems until most recently he noticed that um executive driven meant that it was owned by a* rental place oh now I am lost ok the original owners were supposed to be someplace in Indianapolis and that the only second owner was the dealer that he was buying from and then he was subsequently* the purchaser but he come to find out now that it was really owned by a rental place I believe. And basically he thought executive driven meant like someone I guess people within that company not a rental* company um he feels he has been deceived um the contract um is was false and misrepresentation um and he wants to know ya know if there is any if he has a claim if he can get any damages any loss* for this misinformation

ok anything else

um

there doesn't have to be I am just asking

no that its alright

and I am going to ask what* are your thoughts regarding the question regarding the question presented at the end of the case?

.....*.... well I want to know all what I need to know if they were actually were required to define executive driven um* I mean they kinda dealing like a big company verses a small customer um so I would like to know if it is customary maybe for them to explain these kinda* of terms to their customers um if so I believe that ya know he with his ya know knowledge of what he thought it meant and the fact* that they didn't explain it to him if they were required to or at least customary to explain it to him um and subsequent he purchased it based on this misrepresentation um I mean* he does have a claim a misrepresentation claim at least ...*um I am not actually sure what damages like I would have to find out what damages he would be entitled to seeing that I mean ya know what this statute is saying about* damages because if it is that the car malfunction then you are entitled to a reimbursement on your vehicle he doesn't have that right now so I don't know like how they y know if it gives* you a year or an amount of years that it has to be a malfunction or how long does it go for like term like I would need to know that to be able to see if* he is entitled to any damages....*...* Um I am trying to think of what else I am not quite sure if this is important but I don't know why ya know he had a hand

written vehicle sales order and a typed written sales order I don't know if that has anything to do with the misrepresentation* at all. I would look into that see what they say. *Um I would also like to know if um if they are required to note um on the actual documents the prior owner of the cars* I know it was on the certificate of title but I want to know if there is supposed to be a document as well and...* although I know that he wasn't pressured to sign the papers I want to know if at least he was ya know he was asked to read over all the information before he signed for like* ??? I just remember the cases where they didn't try to hate the big company verus the little customer and that's about it

anything else*

no

ok then I want to thank you for your time today and ask that you not discuss the study the legal problems presented to you or any of your answers with anyone else at Hofstra. That is to make sure that we don't taint other people and that we get quality data.*

oh ok um basically this 37 year old guy with an 8th grade education and his* um first language is not English he decided that he was going to look for a used car goes to this dealership um he ultimately buys a Nissan Altima used um which by the way has a sticker that displays as is* no warranty ??? you really can't do that but um anyway he goes and uh signs all the papers takes the car home drives the car it just so happens that a friend of his looks at the* the um I guess the papers that were signed and the title and um he realizes that the car um was an automobile rental car and* not what he had in his mind and now he wants to sue for damages

anything else?

No

ok I am going to give you back the question we just want to know what your thoughts are regarding the question at the end of the case*

based solely on these facts does your client have any viable legal claim for damages? What is the basis for your answer? Ok well even though this guy is uh is not native *ya know is not native ya know his native language is not English and he only has an 8th grade education um it is pretty much um most lay people they know what as is means and um* so that was a clue right there um and I see [have I seen?] any elements of fraud or deceptive practices done by the dealership um ??? executive driven and a great used car uh easily does just advertise selling points* um as far as and plus the certificate of title of course says ya know enterprise auto rental of Indianapolis as the original owner. So he sort of on notice that this was a rental car* so uh based upon those facts um I would say that there wasn't a deceptive practice in the purchase of the car just because he relied on the statement that it was executive driven* and a great used car is not um allow him to claim for any damages on this because again the car is in working order its not like it is broken or had any huge product *defect.

Anything else?

Nope

I want to thank you for your time today

oh wow that was quick

um we just ask that you don't discuss the study the legal problems presented or your answers with anyone else at hofstra. This* is just to ensure that the results aren't tainted at all.

No problem

thank you very much

cool

OK the problem says that Mr. Samos, who . . . uh, might not be the most fluent in English, it is his second language, seems he has a case because he didn't realize who the um, first owners of the car was and he *relied on that fact because he thought executive driven meant that it was driven by executives or high ranking people in the auto manufacturing and he didn't realize that it was a uh automobile, uh place* that leased automobiles enterprise and he feels that he is entitled to damages because he relied on this statement.

OK anything else?

No.

OK you can have this back.

OK.

What are your thoughts regarding the questions presented* at the end of the case?

Um I don't think that he does have any viable legal claim for damages. Um, the state has no statute that applies to this situation, and um*... it doesn't seem like him relying on the word executive driven would be um . . . ya know make a big difference* at least its ya know whether or not there would be any damages um as long as the car was in good shape and um ya know* he got what he paid for and there wasn't any other types of misrepresentation I don't really think that the outcome of him driving that car* or whether or not um, ya know, executive driven the car or whether or not it was used as an auto rental company used it that would be any ya know um that it would be detrimental to the use of to the condition of the car as long as it said how* it was.

OK anything else?

No.

OK then I want to thank you for your time today and 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 potential participants* are not tainted and that we are able to gather quality data.

Study 27 *-15 second time stamp ???- unintelligible speech

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 you with verbalizing your thought process. This is only a warm up* and its 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 thought process but say everything out loud as if no one else were* in the room. Pretend you are talking to your self. I am going to give you this and just whatever you are thinking say it out loud.

[reading]...*...*...*... well I am looking at this and they are talking about automobile accident insurance being raised because a certain car because a certain percentage of accidents* involved a certain color car. But this doesn't really take into consideration that those that are driving the* cars aren't getting into accidents because they are not reckless maybe it is just coincidental but they are also not taking into consideration or saying what* percentage of those red cars aren't involved in accidents. So in answering this question, I would say that ..*.. I would say that um D... It does not specify precisely what percentage of red cars are involved in* accidents. It says a greater percentage but as opposed to what it doesn't really say what the percentages of other um other colors are of any ya know other like accidents* and things of that nature so that would be my answer

ok let me have this back. Next you will be presented with a legal problem. Please read the problem aloud or to your self and verbalize any thoughts 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 examples exercises 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 that is available regarding the problem*. If you are reading the problem and there is other information that you would wan tot know verbalize that like I wonder if or something like that if you don't then that is fine. Um when you have read it through completely once, let me know.

...*So as I read I can talk out loud

yes

ok [reading] ...*...*...*... alright so you have a 37 year old electrician with an 8th grade education who is going to a dealership trying to buy a used* vehicle and who's second language is English. I am wondering why he didn't take someone who is more proficient in the language with him ya know if he is looking to negotiate a deal..*...*...*... I am* wondering why he didn't ask someone to review the paper work prior to signing it. I am addressing um the issue with Mr. Samos.

....Did you read it through completely*

No not yet

ok

I am just like as I read a paragraph I just

that is good

...*....ok now he is suing for damages* because he thought that he had he had an expectance to have an executive driven car and he wasn't sure what that meaning meant and he didn't inquire um from the um dealership what that meant exactly so* um now he is suing for damages despite the facts the he didn't have* the car the car doesn't have any serious malfunction um the only claim for damages that I can see he him having here* in contract unless unless there was fraud of some sort which it doesn't appear to be on behalf of the um dealership. I mean he didn't really ask he wasn't* he English is his second language he didn't take any one to interpret ya know the uh the uh contract or the ya know any documents he didn't inquire as to anything that he may have had a remote like question* about so I don't know if he is entitled to any damages absent fraud because it doesn't appear at least on the face of this that the dealership was trying to deceive him in any way. Um so that is my answer*

ok let me have this back. Please give me a summary of the problem.

Ok basically what happened was you have this uh 37 year old electrician with an 8th grade um education who is looking to buy a used car* goes into a dealership um deals with a man but the name of Edward warren um looks at a uh a car a chevy I think or the dealership was a Chevrolet dealership um takes* the car out for a drive um apparently the uh the car doesn't have any malfunction he comes back to the dealership decides to buy it um sees that on the title* that it belonged to enterprise rental didn't inquire as to what that meant um saw that it was executively driven didn't inquire as to what that meant um signed a bunch of documents uh its not* clear whether he fully understood the meaning of what he was signing um and there is no malfunction to the car it is not clear as to why all of a sudden he wants to seek damages from the dealership um despite* the fact that the car seems to be according to the facts operating in um good condition and now he is seeking to get damages. Um and that is pretty much it

anything else?

Um*

there doesn't have to be I am just asking

hm that is all that I can remember right now

ok uh do you have any thoughts or additional thoughts regarding the question presented at the end of the case?

Um...*...well first of all there is no statute that applies to this type of situation um* regarding I guess what Mr. Samos is trying to claim damages under. It does allow a court to award attorneys fees to the prevailing party in any case concerning a consumer transaction but if there is no statute* that applies to this type of situation I don't see how he can award how he can get attorneys fees it is not clear that he is even represented by an attorney so

ok anything else*

that's it

that's 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 potential participants are not tainted and that we are able to gather quality data*.

Study 28

First I want to 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 any of your professors. The responses you will be tape recorded to ensure accuracy. These tapes will not be shared with anybody outside the research team. First you will be given a sample problem to work through. This is to familiarize you with verbalizing the thought* process. This is only a warm up exercise and it's not part of the actual study. When answering the questions, please verbalize your thoughts as naturally as possible. Please do not explain or rationalize your answers but rather uh, communicate them in a free flowing manner. The best way to do this is to just pretend* that I am not even here, and just read through the problem and whatever you think just verbalize it.

OK [reading] ... * ... * ... It doesn't seem logical that red cars would have higher premiums just because they're red ... * .. Possibly the insurance companies justification, um . . . is true because maybe it's that uh, red cars are involved in more accidents because more risky drivers choose red cars?* ... * ... * It doesn't necessarily seem* that A is right, because . . . A . . . really has . . . nothing to do with why they charge higher premium, um, for red cars it just* . . . you know blanketly states that insurance companies have the right to charge higher premiums ... Repairs, in B, really has nothing to do with the problem ... * ... C really goes on my assumption, that, you know, it's possible that drivers who drive* recklessly do have a preference, uh for red cars, so that would be my inclination...*... and I, I really don't think that it's necessary that they specify, a percentage, . . . and to me E just doesn't make sense, so* I would say C.

OK. Are you done?

Uh huh.

OK. Next you will be presented with a legal problem. Please read the problem aloud or to yourself and verbalize any thoughts you have as you read them. This should mirror your normal thought process.* It should be as natural as possible. Remember that 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 all the information available regarding the problem. So, you can* just take a look at this, and um you don't have to answer the question, uh just yet. But just read through the problem.

OK [reading] ...*...*...*...as is no warranty, hmm..*..on the sticker*..*.....original owner was a rental company, hmm*.... OK and our client had signed* all the papers.....*.... OK, so* . . . the client seems to think that there is a misrepresentation based on . . . um, the . . . the statements of the car salesman* that the car was executive driven. Um . . . he feels that he was deceived into purchasing the car because he relied, OK ...*...*...*... OK.

You're done?

Yeah.

OK. Please provide a summary of the case you just read.

Uh, our client is* a 37 year old electrician uh whose looking to buy a used car. He went to the dealer, uh to check out uh some Nissans, test drove an Altima for the night and then returned to the dealership to ultimately* purchase a car. Uh, he ended up purchasing a 2001 Altima and uh that car had on its sticker, uh . . . no warranty, uh the dealer had also* uh, told him that it was quote “executive driven” uh and that it was a uh, top condition car. Um, he purchased the car, and uh, at the purchasing* went through and signed a large variety of documents uh including two different sales receipts, one typed and one written, as well as uh, various forms of contracts. I think that he signed four* documents in all, and um was not rushed to signed these documents, read though them, but uh . . . the client claims that he didn’t see the certificate of title and he didn’t see anything that had uh the prior* owner’s name listed on it, uh he’s driven the car since this time, since the sale, with uh relatively few problems there’s been real no problem, no real problems with the car however he is now at* the point where uh he has found the certificate of title and found that a rental car company is the uh, is the prior owner of the vehicle and that uh, the vehicle is not in as,* you know, pristine condition as he thought it was when he purchased it. He feels that he was um, deceived by the dealer’s . . . um . . . representations* of the car was executive driven and that it was in top condition and uh, he feels that it’s those statements that led him to rely and uh, to purchase the vehicle and he feels* entitled to uh, some form of damages.

Anything else?

No.

OK. What are your thoughts regarding the question presented at the end of the case?

Um my first thought was that there was a uh* a pross-, a possible cause of action uh, for fraudulent misrepresentation um, but . . . I am not sure if . . . that cause of action would even work.* Uh, it seems as though that was uh, a misrepresentation and that the uh, misrepresentation, that uh he relied in the statement and that um there was* definitely reliance, but I don’t know if it was to his detriment because there’s really, you know, no problems with the vehicle and uh Mr. uh Stamos, our client, doesn’t um,* doesn’t claim that there is any serious malfunction with the car or even that the car is a . . . having any problems, so I don’t know that we could even claim damages.

Anything else?

No.

Ok. Thank you for your time today*.

Thank you.

We ask that you do not discuss the study, the legal problems, or the answers that you gave with anybody else at Hofstra. Uh this is just to ensure that any other potential participants will not be tainted by anything that you've said.

OK. Thank you.

Study 29 ??- unintelligible speech *- 15 second time stamp

First I want to 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 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 is not part of the study. While 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 easiest way to do this is just to pretend like I'm not even here and you are just looking at the problem.

OK, so I'm, what I am basically doing is just thinking about it, but verbally?

Yeah just reading it and verbalizing anything you're thinking.

[reading]... do you want an answer?

Uh yeah, well don't answer the question, whatever you are thinking about the question.

OK, well I am thinking that um red cars, the reason, the reason automobile insurance companies think this way is because red cars are more uh noticeable on the road. So, whether it be um without any empirical data here showing that more red cars actually do and to what percentage they are getting more involved in accidents, one can infer that red cars, just because we notice them more on the road and if they do get into an accident that we may notice it more as opposed to other cars. Uh . . . it doesn't state that a certain type of an age group of drivers would drive a red car maybe implying that, you know, younger generation maybe does drive a red car therefore it might not necessarily be the color red but more or less on driver inability or inexperience um . . . and I would say that um ... finding out, I look at this like a little bit of a automobile racism here, you know, judging based upon a color of car um . . . but, . . . I would like I said like lack of empirical data would really um make this not a, something that I would, just like readily approve of for insurance companies to do such with out showing that, you know, red cars and of what age group and why the red cars as opposed to black cars as opposed to any other types getting more involved in accidents. And also are loss of life or a loss of limbs or major accidents as opposed to just a bumper. What is considered an accident? Is it any kind of claim or is it only higher claims?

Are you done? OK.

Next you will be presented with a legal problem. 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 that 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. You don't have to actually answer the question just now, but just read this and let me know when you are done.

OK [reading].....OK so, you want to know what I am thinking about this?

Yeah.

OK well one of the things is that um, you can't sell a car with no warranty. There is always a lemon law warranty of some sort and every state has that, uh New York State definitely has that. Um and which, depending upon the mileage of the car, um goes to 30 days, 60 days, 90 days depending on the different parts of the car. So that would be um fraud there by not issuing a warranty. Um . . . also non-disclosure of it being from an automobile rental agency is also goes against, I believe, regulation Z of New York State law, um in which they have to disclose if it was a rental car previously having to disclose that on sales receipts, um and I believe there are usually check boxes on the retail installment contract, and such um . . .

Just let me know when you are done um, looking it all over and everything.

OK. I am done with looking it over.

Oh, OK.

You want me to take it away?

Yeah, I am going to take it away for a second.

OK.

OK. Just please provide a summary of the case you read.

OK. Um here you have someone who has, who claims to have, um a lesser education going to buy a car um, takes home a car, which is verbally told to him that it is executive driven although non-disclosed to as to who the actually prior owner was. This person takes the car home for the night, test drives it, wants to come back to buy the car, um is given a bunch of paperwork, in which he is told to sign, not being um . . . explained as to what the documents are just basically signing because he knows he is very excited, he wants to take this car home, um in such paperwork fails to document that there um, what kind of warranty the car has in which, you know, previously it does say that there is no warranty, there should be one, well especially at least a lemon law, if nothing more, also um, it fails to, um, disclose the rental car agency um, that was the prior owner in which was a violation of state law. And um, I would say that the, my client would have some possibility or a good possibility in seeking um, damages or at least money back or return of the vehicle if not actual damages per se. Um, and . . . I would take the case.

Anything else?

No.

OK. I will give the case back to you.

OK.

And, I just want to know what your thoughts are about the question at the end of the case.

....the very last question?

Yes.

Based solely on the facts does your client have a viable legal claim for damages?

Uh, actually . . .

Oh what is the basis for your answer? I say, as I said before, he does because there um there are obviously fraud violations bas— that a the dealership um, in its disclosure to the customer um, also I would say, you know, on a lighter note his, maybe his, um incapacity to buy a car based upon his level of education, while although I don't really see that as a major point I would say it was a minor point, um more or less just really the manner in which the dealership disclosed executive driven versus being, you know, really from a car rental agency this is non-dis— um, not giving, like I said, um the warranty um, not saying that it was a used car used to what fashion um and . . . I would say that it would be um, with all of those fraudulent things, you know, the non-disclosures it would be the burden of the dealership to prove otherwise.

Anything else?

No, that's all I see.

OK. I want to thank you for your time today. Um we ask that you don't discuss the study, your answers, or the legal problems that you were looking at today with anybody else at Hofstra. And this is just to ensure that uh anybody else's results aren't tainted

Right.

Thank you very much.

That's it? Wow.