

# Research Practicum

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Advanced Legal Research, University of North Carolina

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Daniel Selby likes to travel around town on the Segway that his parents bought for him. He is planning to attend several Halloween parties here in Chapel Hill. He anticipates drinking at these parties. Because he's a third-year law student, he really doesn't want to get into any trouble and jeopardize his chances of sailing through his character and fitness interview in the state in which he plans to take the bar exam. So, he's curious about whether he needs to worry about using his Segway to get home if he drinks a bit too much at these parties. He's come to us for advice.

## Prepare to Research (10 minutes)

1. What questions do you have about the facts?
2. What are potential legal issues here?
3. What are some keywords that you'll use to describe this legal issue? Try to come up with synonyms and broader and narrower terms.
4. Outline a strategy that you will use to conduct legal research to answer these questions. You might want to think about what kinds of resources you want to find (e.g., cases, statutes, explanations) and how you will find them (key word searches, browsing the index).

## Research (15 minutes)

Start your research. You can use any source on the free web, on WestlawNext, or in print in the library. Make notes about what you find and how you found it. Be prepared to share what you've found with the class.

Source (Citation)	Importance- what does it tell us?	How you found it

## Check-In and Assess (7 minutes)

Based on what you've found so far, what is your answer to the legal issue?

How sure of the answer are you? Are there facts you need to gather?

What would be your next steps in the research?

## Group Discussion

### Continue Researching

Spend some time researching issues that the group identified that you did not or ensuring that you found the right answer. You might try finding the same kinds of sources in a different way (e.g., using topics and keynumbers instead of key word searching, or vice versa) to see if you get any different sources

Source (Citation)	Importance- what does it tell us?	How you found it

## **Reflection**

Were you able to find the right answer? Why or why not?

What particular searches or ways of searching worked best?

Do you think you would have been as successful if you didn't have access to Westlaw or Lexis?

# Research Practicum Teaching Notes

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This is an in-class exercise designed to take the entire class period (one hour and 25 minutes) in the class following our discussion of overall research strategy. For my Advanced Legal Research class, it occurs after we have finished traditional legal research and are moving into more practice-focused topics. It is also a good review before an exam or final project in which they will have to do comprehensive research to solve a legal problem.

Read through the facts with the students. Tell them to complete the “Prepare to Research” section on their own. They have 10 minutes. Mill about while they are completing it to see how they progress. At the end of 10 minutes (or when most students have stopped writing), have them share their answers with their neighbor. As they are doing so, you want to hear what they are discussing. This will allow you to call on groups with interesting answers. Give students about 10 minutes to share with each other before beginning the group discussion.

Then call the class to order and either take volunteers or call on students to share their answers. Potential legal issues should include driving under the influence, specifically is a Segway covered? Can he operate the Segway on the road or on the sidewalk (these would probably be minor traffic offences if not followed). You might ask them what jurisdictions are at play. Do we need to consult Chapel Hill’s municipal code? How about federal statutes? Don’t forget about private causes of action, like negligence if he gets in an accident. Write these up on the board as they are shared by the students. Put everything but the DUI issues in a “holding area” that we would research later.

For strategy, you want them to be sure to look for NC statutes and cases on point. NC Crimes Guidebook is really helpful.

If you have access to a clicker system, or feel comfortable using the CALI polling tool, you can ask the students to “vote” on whether operating a Segway while intoxicated is likely to be covered by DUI laws at several points during class. (Once before they begin their research, and then several times during the process).

## Research (15 minutes)

Below are authorities that the students should find easily. They may find other authorities- particularly secondary sources.

I find that it’s helpful to ask the students to identify a single source at a time (and what they learned from it). I write them up on the board. I will also ask students to tell me how they found the source and ensured that it was up to date (still valid law).

Source (Citation)	Importance- what does it tell us?	How you found it
State v. Crow, 175 N.C.App. 119	Deals with a motorized scooter- but not a Segway. More like a moped.	

N.C. Gen.Stat. § 20–138.1(a),	“[a] person commits the offense of impaired driving if he drives any vehicle upon any highway, any street, or any public vehicular area within this State ... [w]hile under the influence of an impairing substance ... or ... [a]fter having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or *123 more.”	
N.C. Gen.Stat. § 20–4.01(49) (definition of vehicle)	Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility **71 enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in G.S. 20–4.01(7a).	
N.C. Gen. Stat. 20–4.01(7a).	Electric Personal Assistive Mobility Device. -- A self-balancing nontandem two-wheeled device, designed to transport one person, with a propulsion system that limits the maximum speed of the device to 15 miles per hour or less.	

## Follow-up

Say that Daniel decides to use his Segway to get to the parties even though he intends to drink. Ask them how they will keep on top of this legal issue so that we’re ready to represent him in the future?

If you have covered fact research, you can have the students determine the maximum speed of a Segway and talk about what sources would be appropriate to introduce in a court proceeding.

A discussion of the question “Do you think you would have been as successful if you didn’t have access to Westlaw or Lexis?” tends to generate some good discussion.