

North Carolina Legal Research Take Home Assignment #1

Due at Midnight, July 17th

For this assignment, you will be expected to research a particular fact pattern. Do not consult anyone other than your research professor. Do not copy and paste anything. Your answer should be in your own words and in complete sentences. Proper Bluebook citation is expected.

Your client, James Johnson, is in the midst of a divorce. He has tasked you with determining the validity of his prenuptial agreement. In order to answer his question, you need to know the requirements (in the prenuptial agreement itself or in the circumstances giving rise to a prenuptial agreement) for there to be an enforceable agreement. Your jurisdiction is North Carolina state court.

North Carolina

Treatises and Encyclopedias (30 points)

Locate 4 different sections (no more, no less), from Strong's North Carolina Index or a North Carolina specific treatise that discuss different aspects of the research issue. These sections are generally about 2 or 3 paragraphs long. Cite each section, describe how you found it, briefly (this means 2 or 3 sentences) summarize the section IN YOUR OWN WORDS and discuss why you would use it. DO NOT COPY AND PASTE ANYTHING. Points will be earned by providing a relevant, useful source accompanied by an explanation of the information requested.

For each treatise and encyclopedia section, provide the citation to all of the primary law referenced. Further, provide whether the primary law is mandatory or persuasive authority if filing in a North Carolina superior or magistrate court.

ALRs (10 points)

Find 2 ALR annotations (no more, no less) that discuss different aspects of the research issue. Cite each section, describe how you found it, briefly (this means 2 or 3 sentences) summarize the section IN YOUR OWN WORDS and discuss why you would use it. Points will be earned by providing a relevant, useful source accompanied by an explanation of the information requested.

For each ALR annotation, provide the mandatory authority, both cases and statutes, for a case being decided in a North Carolina superior or magistrate court that are cited by each source.

Statutes (50 points)

Find and cite the statutory section(s) of the North Carolina General Statutes that relate to the research issue. There may be more than one. Points will be provided for each RELEVANT statute referenced.

For each statutory section referenced, provide any USEFUL PRIMARY sources under the notes of decisions, if any, for Westlaw or the case notes, if any, for Lexis Advance, citing references and context & analysis. For each primary source, provide why it is useful in a few (2-3) sentences. Points will be earned by providing all the statutory information necessary to determine how North Carolina treats prenuptial agreements, what the requirements are and whether there are any limitations on their enforceability.

Further, provide an explanation of whether EACH statutory section can be cited. If there is a signal indicator, indicate what that signal means and why the law can or cannot be cited based on the indicator and the information accompanying it.

Conclusion (10 points)

Based on your research, summarize how North Carolina treats prenuptial agreements. What are the requirements? Are there any restrictions on the enforceability of prenuptial agreements in North Carolina?