

# Lexis<sup>®</sup> Learn Teacher's Manual

Lexis<sup>®</sup> Learn is an online learning platform that includes interactive video tutorials on basic and advanced legal research skills, with built-in assessment. The Teacher's Manual provides details on each Lexis Learn module so you can assess which modules will best supplement your research curriculum.

# LEXIS LEARN TEACHER'S MANUAL

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# About Lexis® Learn

Lexis Learn is an interactive learning platform designed to supplement the research curriculum and is exclusively available to law school faculty as part of their school's LexisNexis subscription. Lexis Learn includes eleven high-quality video tutorials covering basic and advanced legal research skills. The modules include an animated hypothetical, and clear explanations with questions surfacing throughout to keep students engaged and evaluate their understanding. Faculty can track and assess learning outcomes via a powerful dashboard providing rich analytics by class, student and individual module.

Lexis Learn is flexible and easy to administer. The modules complement one another, but can also stand on their own, so you can assign one or more modules that best align with your research curriculum. Lexis Advance is used to demonstrate the concept or skill, but the terminology is neutral, so skills learned can be applied to other online research systems. Each module takes approximately twelve minutes to complete, including answering the questions. It only takes a couple minutes for a professor to set up a class and assign modules. Students then self-enroll.

Lexis Learn module content, including questions, are co-authored by law school librarians, LR&W professors, and practicing attorneys. Questions surface throughout each module that test students' understanding of the content covered. Some questions reinforce key concepts and others require students to perform research to apply the skills or process learned. Students can go back to review prior content if necessary for them to answer the question correctly. If answered incorrectly, a student will learn what the correct answer is including an explanation on how to find the correct answer. At the end of the module, a student will see their score. Faculty can view student performance by question in the Responses report under Module Analytics.

## Hypothetical

The "script" below is the hypothetical used in modules 2 through 7. Module 2 includes the animated hypothetical. Other modules include a portion of the animated hypothetical that present the facts and legal issues pertinent to the specific module. Modules 8 to 11 each have their own short animated hypothetical with a similar look and feel.

*"You're interning for the New York District Attorney's Office, and have been assigned to a drug trafficking case involving the use of GPS technology to track the movements of a suspected cocaine dealer - H.J. Thompson.*

*Mr. Thompson came under suspicion after stealing a bee keeper suit and a large pile of sugar he used to steal a swarm of bees from an apiary close to his home. Local law enforcement officers believe that these smaller crimes were committed by Mr. Thompson as a part of a larger plan to manufacture and distribute cocaine from his home town of Cape Fere, New York. Officers obtained a warrant for a one month period to track Mr. Thompson's movements with a GPS device attached to his car. Finding no evidence of drug trafficking during this period, the officers continued to use the GPS device after the warrant expired.*

*Mr. Thompson was later tracked going to and from the location of a known cocaine distributor several times. On the day of his arrest Mr. Thompson was returning from the same location. The officers stopped Mr. Thompson's car and found 10 lbs. of cocaine hidden in the trunk*

*You've been asked to draft a memorandum recommending the charges that can be brought against Mr. Thompson based on relevant criminal statutes and case law. The District Attorney is concerned about Mr. Thompson's case because the warrant had expired when the evidence of Mr. Thompson's drug activity was discovered. Mr. Thompson's theft of the sugar, bees and bee keeper suit was documented by officers based on statements from the apiary owner."*

# Module 1: Online Basics: Document Retrieval, Source Selection & Navigation

## Learning Objectives:

- Understanding the factors that are important when conducting online research
- Retrieving legal documents by citation and cases by party name
- Locating a specific source efficiently
- Using a Table of Contents to navigate a source
- Locating coverage information for a particular source
- Accessing previous research
- Managing research through delivery options

**Summary:** In this module, students will learn basic skills useful for class preparation purposes including how to retrieve documents using the information available (e.g., citation, case name etc.). Students learn how to use the integrated tools to locate a specific source or group of sources quickly, and how to navigate a Table of Contents to get to sections of interest. Students learn how to find source information including coverage dates. This module covers how to efficiently return to prior research results and how to organize your research including delivery options such as downloading, printing, emailing, and drop box. Also, students learn how to manage research electronically using online folders and annotation options.

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** When was the Palsgraf v. Long Island Railroad case decided?

- March 29, 1958
- March 29, 1928
- May 29, 1938
- May 29, 1928**

**CORRECT:** The Court of Appeals of New York decided this case on May 29, 1928

**INCORRECT:** The correct answer is May 29, 1928. The date decided appears at the top of the document above the name of the court, Court of Appeals of New York

**QUESTION 2:** What is the name of the case, cited as 84 N.H. 114?

- Miller v. Hawk
- McGee v. Hawkins
- Hawk v. United States Fidelity Co.
- Hawkins v. McGee**

**CORRECT:** Hawkins v. McGee is the name of the case cited as 84 N.H. 114.

**INCORRECT:** The correct answer is Hawkins v. McGee. The case name appears at the top of the document. To retrieve this case, simply enter 84 N.H. 114 in the search bar and click search.

**QUESTION 3:** Question: What sub-section in Restat 2d of Torts @ 463 discusses the difference between *negligence* and *contributory negligence*

@463a

**@463b**

@463c

**CORRECT:** 463b is titled, Difference between negligence and contributory negligence.

**INCORRECT:** The correct answer is section 463b, which is titled Difference between negligence and contributory negligence.

**QUESTION 4:** True or false. Rule 14 under Title III of the Federal Rules of Civil Procedure is titled Counterclaim and Crossclaim.

- True
- **False**

**CORRECT:** False. Rule 13 is titled Counterclaim and Crossclaim.

**INCORRECT:** The correct answer is False. Rule 14 of the Federal Rules of Civil Procedure is titled Third Party Practice. Rule 13 covers counterclaims and crossclaims.)

**QUESTION 5:** Which of the following statements is false? When conducting legal research, it's important to:

be comprehensive in your research

find the most current governing authority

find citing authority recognized by the court

**find an on-point case from any jurisdiction**

use editorial enhancements and features in online research systems that save you time

**CORRECT:** When conducting legal research, it's important to be comprehensive, find the most current and binding authority in your jurisdiction, and use the research tools that help you be more efficient.

**INCORRECT:** An on-point case from another jurisdiction is not binding. You must find on-point cases from the controlling jurisdiction. It's also important to be comprehensive, find the most current authority in your jurisdiction, and use the research tools that help you be more efficient when conducting legal research.

**QUESTION 6:** From what period of time can you find articles from the Harvard Law Review?

**1982 through current**

1988 through current

1998 through current

1999 through current

**CORRECT:** Coverage of the Harvard Law Review is from 1982 through current on Lexis Advance.

**INCORRECT:** The correct answer 1982 through current. The easiest way to locate this information is to start typing Harvard Law Review in to the red search box. In the word wheel, click on the "l" located to the right of Harvard Law Review. You can also access this feature when locating the source in Browse > Sources and via Explore Content.

# Module 2: Constructing an Effective Search

## Learning Objectives:

- Understanding the difference between a natural language and a terms and connectors search
- Using filters to refine your search results
- Selecting content prior to running a search
- Using search terms and commands, and guided search templates
- Searching in secondary materials
- Searching in case law by jurisdiction

**Summary:** In this module, students will learn search methodology, specifically how to construct an effective search on an electronic legal research system. The module begins by having students consider a hypothetical and then discusses how to choose search terms to run a natural language search for secondary sources. Students are then taught how to use filters to refine the search results and narrow by jurisdiction. Students are also shown how to use filters prior to running a search. After completing several natural language searches, students learn about the benefits of terms and connectors searching, and how to retrieve a list of all the connectors and commands. They get practice constructing searches using terms and connectors and refining the results. Students are also introduced to guided search templates.

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** What would be the most efficient way to refine your secondary materials results to include New York materials only?

Start over and include New York in your initial search query

Search for New York in the “Search Within Results” filter

**Select New York as a filter under Jurisdiction on the left**

**CORRECT:** Using the Narrow By filters to refine by Jurisdiction is the most efficient way to retrieve New York secondary materials after running a search.

**INCORRECT:** “Select New York as a filter under Jurisdiction on the left” is the most efficient way to retrieve New York secondary materials after running a search. Searching for the term New York will include irrelevant documents that mention the term “New York” but do not necessarily cover New York law on the matter.

**QUESTION 2:** Which of the following filters is not available when viewing secondary materials results for the search: gps tracking warrant?

Most Cited

Category

Sources

Practice Area & Topics

**CORRECT:** Most Cited is not available as a Narrow By filter in Secondary Materials.

**INCORRECT:** The correct answer is Most Cited. Category, Sources and Practice Areas & Topics are available filters under Narrow By.

**QUESTION 3:** Based on your GPS tracking issue, create a terms & connectors search related to the hypothetical.

**CORRECT/INCORRECT:** After reviewing the fact pattern and identifying the legal issues in a case, it's up to the researcher to determine the key words to include in a search. Think about what words must be in every relevant document. How close should those words appear to one another? This will help you decide what connectors to use. For example, warrant and gps /s tracking and car or vehicle)

**QUESTION 4:** The atleast command requires that a term or terms appear "at least" so many times in a document. Hint: expand the list of connectors in Advanced Search

- True
- False

**CORRECT:** True. Use atleast when you want a particular word to appear a certain number of times in each document.

**INCORRECT:** The correct answer is True. The atleast command requires that a term or terms appear a specified number of times in each document. i.e. atleast10(FDA)

**QUESTION 5:** The name of the New York Court of Appeals case decided on May 12, 2009 is People v. Brisson? Hint: view New York federal and state case results from the previous terms & connectors search.

- True
- False

**CORRECT:** False. People v. Weaver was decided on May 12, 2009. This case appears towards the top of your results list after running the search warrant and gps/s tracking and car or vehicle, and using the Court filter to refine to New York Court of Appeals.

**INCORRECT:** The answer is False. People v. Weaver was decided on May 12, 2009. This case appears towards the top of your results list after running the search, warrant and gps/s tracking and car or vehicle, and using the Court filter to refine to New York Court of Appeals.

**QUESTION 6:** You want to find secondary materials discussing liability in the context of bullying via social media. Run the following natural language search and terms & connectors search and compare your results.

-Natural Language search: liability bully social media

-Terms & Connectors search: liab! and bully and social media

- (Open Field answer) What differences do you notice in the number of your results?  
Any other observations?

**CORRECT/INCORRECT:** Both searches will retrieve potentially relevant documents. Natural language typically retrieves a larger result set, since terms & connectors searching includes specific criteria. Both searches produce results ranked by relevancy as the default. Alternative terms to consider include cyberbully, facebook, twitter etc.



**QUESTION 7:** Which of the following statements is false?

Advanced Search provides guided search forms by content type.

Filters are available before and after running a search.

Terms & connectors searching allows you to control how close your terms should appear to one another.

Case law results can be sorted by relevance, court, date and good law.

**CORRECT:** Correct. Case law results can be sorted by relevance, court, and date, but not by good law.

**INCORRECT:** The last statement is false. Case law results can be sorted by relevance, court, and date, but not by good law. Use the *Shepard's*<sup>®</sup> Citations Service to determine if the cases you are relying on are good law.

## Module 3: Why Start with Secondary Sources

**Learning Objectives:**

- Learning why secondary sources are useful when researching a legal issue
- Understanding the different types of secondary materials available
- Running a search in secondary materials and refining with jurisdiction and other filters
- Navigating in a legal treatise using the Table of Contents
- Identifying relevant primary authority from a secondary source

**Summary:** In this module, students will learn the importance of exploring secondary sources when conducting legal research and how they are useful for finding relevant authority and background information. The module begins by having students consider a hypothetical. Students then learn about the different types of secondary materials available, how to conduct a search in secondary sources and refine results using pre and/or post search filters. Students also learn how to navigate those results and hone in on the most relevant information within a particular secondary source. Finally, the module teaches how to identify and access primary authority that is relevant to the issue at hand.

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** Which of these is not a secondary source?

An article from the National Law Journal

A law review article

An annotation from the American Law Reports

**A United States Code Section**

**CORRECT:** A United States Code Section is primary authority because it is a statute created by the legislature.

**INCORRECT:** The correct answer is a United States Code Section because the United States Code is primary authority.

**QUESTION 2:** Which secondary source would you use for a quick summary of the law or a legal definition?

- Law Review
- Legal Treatise
- Legal Encyclopedia**
- Restatement

**CORRECT:** Legal Encyclopedias provide quick summaries of the law or legal definitions.

**INCORRECT:** The correct answer is Legal Encyclopedias. Law Reviews and Journals provide scholarly analysis of a legal topic. Legal Treatises provide annotated analysis from leading experts. Restatements restate case law into concise statements of the law for a specific legal topic.

**QUESTION 3:** Treatises typically include which of the following types of information?

- Expert legal analysis of a legal topic
- Citations to cases related to a legal topic
- Citations to statutes related to a legal topic
- All of the above**

**CORRECT:** Treatises contain expert analysis of legal topics, as well as citations to cases and statutes related to a legal topic.

**INCORRECT:** The correct answer is “all of the above.” Treatises contain expert analysis of legal topics, as well as citations to cases and statutes related to a legal topic.

**QUESTION 4:** Under which of the following conditions is valuation disregarded in satisfying the conditions of Grand Larceny in the Fourth Degree?

- Property is a motorcycle
- Property is made of precious metals
- Property is a computer
- Property is taken from the person of another**

**CORRECT:** Under the treatise’s discussion of New York’s grand larceny statute, the taking of property from another person constitutes grand larceny in the fourth degree regardless of the property’s nature and value.

**INCORRECT:** The correct answer is “Property is taken from the person of another.” Under the treatise’s discussion of New York’s grand larceny statute, the taking of property from another person constitutes grand larceny in the fourth degree regardless of the property’s nature and value.

**QUESTION 5:** What is the Penal Law section from the New York Consolidated Laws Service for Grand Larceny in the Fourth Degree?

- 155.42
- 155.40
- 155.35
- 155.30**

**CORRECT:** NY CLS Penal Law 155.30 is Grand Larceny in the Fourth Degree.

**INCORRECT:** The correct answer is 155.30. NY CLS Penal Law 155.30 is Grand Larceny in the Fourth Degree. Scroll to the top of the treatise section to see the code section for Grand Larceny in the Fourth Degree.

**QUESTION 6:** True or false? A law review article is not binding authority, but may contain cases and statutes that are binding authority?

- **True**
- False

**CORRECT:** Law review articles provide scholarly analysis of a specific legal topic and cite the relevant primary authority supporting the analysis. This includes important cases and statutes.

**INCORRECT:** The correct answer is true. Law review articles provide scholarly analysis of a specific legal topic and cite the relevant primary authority supporting the analysis. This includes important cases and statutes.

**QUESTION 7:** What is the citation for United States v. Jones from footnote 1 of 48 Creighton L. Rev. 553?

22 F.3d 736

**132 S. Ct. 945**

442 U.S. 735

474 F.3d 994

**CORRECT:** Footnote 1 from this law review article cites United States v. Jones, 132 S. Ct. 945 (2012).

**INCORRECT:** The correct answer is 132 S. Ct. 945. Click the link to footnote 1 from this law review article to see the correct citation.

**QUESTION 8:** What court decided People v. Weaver, 12 N.Y.3d 433, from footnote 48?

**Court of Appeals of New York**

Supreme Court of New York

District Court for the Southern District of New York

Second Circuit Court of Appeals

**CORRECT:** People v. Weaver was decided by the Court of Appeals of New York. The Court of Appeals of New York is the highest state court in the state of New York. Click the link to the Weaver case to see the court under the case name.

**INCORRECT:** The decision you uncovered for People v. Weaver was decided by the Court of Appeals of New York. The Court of Appeals of New York is the highest state court in the state of New York. Click the link to the Weaver case to see the court under the case name.

# Module 4: Finding the Right Statutes and Statutory Interpretation

## Learning Objectives:

- Finding a statute when you have the citation
- Using annotations and case notes
- Finding sources in a particular jurisdiction
- Finding relevant case notes in the Notes to Decisions

**Summary:** In this module, students will learn how to find the controlling statutes related to their issue in an electronic research system. The module begins explaining the difference between a code and statute. An animation presents pertinent facts and legal issues related to the hypothetical. Students learn how find a statute by using the statute's citation and how to identify the relevant sections within. Then, students learn how to explore the case notes in the statute's annotations to find relevant case references interpreting the statute. Students also learn how to navigate a statute's table of contents to find related sections.

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** True or false? Statute and code are interchangeable terms in the law.

- True
- False

**CORRECT:** Statute and code are not legal synonyms. Codes are a collection of statutes, and statutes are the individual sections of each code.

**INCORRECT:** The correct answer is False. Statute and code are not legal synonyms. Codes are a collection of statutes, and statutes are the individual sections of each code.

**QUESTION 2:** Using the Table of Contents to the left of NY CLS Penal Law 155.30, under which code section can you find *definitions of the terms* used in 155.30?

- 155.00
- 155.05
- 155.10
- 155.20

**CORRECT:** Section 155.00 of the New York Penal Law contains the definitions of terms for Article 155 Larceny.

**INCORRECT:** The correct answer is 155.00. This section of the New York Penal Law contains the definitions of terms for Article 155 Larceny.

**QUESTION 3:** How many counts of larceny in the fourth degree can you charge Mr. Thompson with based on code section 155.30?

*Hint:* assume there's evidence Mr. Thompson took the bee keeper suit off the apiary.

One count for theft of bees

Two counts for theft of bees and bee keeper suit

**Three counts for theft of bees, sugar and a bee keeper suit**

Mr. Thompson cannot be charged with larceny in the fourth degree

**CORRECT:** Mr. Thompson can be charged with two counts under subsection one and one count under subsection five of NY CLS Penal Law 155.30.

**INCORRECT:** The correct answer is three counts. One for the bees, one for the sugar and one for the bee keeper suit. The bees and sugar are both valued at more than \$1,000 so subsection one of the statute applies. The bee keeper suit was taken from the person of the apiary owner so subsection five applies.

**QUESTION 4:** According to what the cases say in the annotations to 155.30, can you use the victim's testimony to prove the value of stolen property for the crime of grand larceny in the fourth degree?

**Yes, according to People v. Mayerhofer**

No, according to People v. Mayerhofer

Yes, according to People v. Duran

No, according to People v. Duran

**CORRECT:** People v. Mayerhofer allowed a victim's testimony to prove the value of stolen goods.

**INCORRECT:** In the annotations to NY CLS Penal Law 155.30 under section 15 Value of Property there is a note from the People v. Mayerhofer case where the victim's testimony was used to prove the value of stolen goods

**QUESTION 5:** What source would you use to find individual statutes from New York?

The United States Code

New York Advance Legislative Service

New York State & Federal Court Rules

**New York Consolidated Laws Service**

**CORRECT:** The New York Consolidated Laws Service contains the complete text and annotations for the individual statutes of the state of New York. It might also be referred to as the New York Code.

**INCORRECT:** The correct answer is New York Consolidated Laws Service. It is the complete text and annotations for the individual statutes of the state of New York. It might also be referred to as the New York Code

**QUESTION 6:** How many degrees of criminal possession of a controlled substance are there in New York based on the code sections displayed in the table of contents?

Seven

**Six**

Five

Four

**CORRECT:** There are six degrees of criminal possession of a controlled substance in New York—first, second, third, fourth, fifth and seventh

**INCORRECT:** The correct answer is six. Clicking the table of contents slider to the left of NY CLS Penal Law 220.16 displays all six in the table of contents of the New York Consolidated Laws Service, the sixth was repealed leaving a total of six not seven.

**QUESTION 7:** True or false? These are the cases from New York courts interpreting section 220.21 of the New York Penal Law.

**True**

False

**CORRECT:** You will find important cases interpreting section 220.21 organized by the legal topic analyzed under the notes to decisions.

**INCORRECT:** The correct answer is True. You will find important cases interpreting section 220.21 organized by the legal topic analyzed under the notes to decisions.

**QUESTION 8:** Which section of the New York Penal covers the “automobile presumption” related to criminal possession of a controlled substance?

220.22(3)

220.23(1)

220.24(5)

**220.25(1)**

**CORRECT:** NY CLS Penal Law 220.25(1) contains the “Automobile Presumption” for New York as it relates to criminal possession of a controlled substance.

**INCORRECT:** The correct answer is NY CLS Penal Law 220.25(1). This code section contains the “Automobile Presumption” for New York as it relates to criminal possession of a controlled substance

# Module 5: Finding the Best Cases for Your Research

## Learning Objectives:

- Finding a case by citation
- Locating parallel citations
- Using editorial case enhancements: case summary and headnotes
- Using integrated tools to navigate within a case
- Finding additional cases addressing a relevant headnote
- Using filters to narrow search results, including search within results
- Using topic summary reports to better understand a legal topic and find additional authority

**Summary:** In this module, students will learn how to find case law using an electronic research system. The module begins by having students consider a hypothetical. They start by retrieving a case by citation relevant to the legal issue presented. Students then learn about the various parts of the case, including the case summary (procedural posture, overview and outcome). Students learn what headnotes are and how they are categorized. Students learn how to find cases similar to a particular headnote. Then, students use filters to narrow their search further to a particular jurisdiction and court. Finally, students find and examine a topic summary and use the search within results feature.

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** Why is case law of paramount importance to the United States legal system?

The United States is a civil law legal system

**The United States is a common law legal system**

The United States is a code based legal system

The United States is an administrative legal system

**CORRECT:** A common law system is a legal system that gives great precedential weight to case law, so that consistent principles applied to similar facts yield similar outcomes.

**INCORRECT:** The correct answer is a Common Law Legal System. A common law system is a legal system that gives great precedential weight to case law, so that consistent principles applied to similar facts yield similar outcomes.

**QUESTION 2:** What is the citation from the Northeast Reporter for the People v. Weaver case, decided in 2009?

997 N.E.2d 468

**909 N.E.2d 1195**

913 N.E.2d 356

12 N.E.3d 1091

**CORRECT:** Correct, the parallel citations are always found at the top of the case just below the case name.

**INCORRECT:** The correct answer is 909 N.E.2d 1195. The parallel citations are always found at the top of the case just below the case name.

**QUESTION 3:** True or false? Headnotes directly quote language from case.

**True**

False

**CORRECT:** Headnotes are direct quotes of the law from a case organized by legal topic.

**INCORRECT:** The correct answer is True. Headnotes are direct quotes from a case organized by legal topic.

**QUESTION 4:** The Scope of Protection topic summary covers the U.S. Federal jurisdiction. Is there a similar report that covers New York?

**Yes**

No

**CORRECT:** The topic summary report for this topic from New York is available under the jurisdiction options to the right.

**INCORRECT:** The correct answer is yes. The topic summary report for this topic from New York is available under the jurisdiction options to the right.

**QUESTION 5:** How many Supreme Court of the United States cases under the topic of Scope of Protection mention GPS?

0

**1-10**

11-20

20+

**CORRECT:** There are five cases from the Supreme Court of the United States for this topic that mention a GPS device.

**INCORRECT:** The correct answer is 1-10 because there are five cases from the Supreme Court of the United States for this topic that mention a GPS device. To see these cases search GPS in the case law results for the Scope of Protection topic from headnote 13 in *People v. Weaver* and narrow to only Supreme Court cases.)

**QUESTION 6:** How many cases that cite to *United States v. Jones*, 132 S. Ct. 945, analyze it in a positive way?

0

1-10

11-20

**20+**

**CORRECT:** There are more than 200 cases analyzing *Jones* in a positive way. Review the *Shepard's* summary to the right of the case for the exact number.

**INCORRECT:** The correct answer is 20+. There are more than 200 case analyzing *Jones* in a positive way. Review the *Shepard's* summary to the right of the case for the exact number.



**QUESTION 7:** With constitutional law topics what court should always be checked in your research?

United States District Courts

United States Court of Appeals

**Supreme Court of the United States**

None of the above

**CORRECT:** When researching constitutional law issues, the Supreme Court of the United States should always be covered in your research because it is the highest court in the land.

**INCORRECT:** The correct answer is Supreme Court of the United States. When researching constitutional law issues, the Supreme Court of the United States should always be covered in your research because it is the highest court in the land.

**QUESTION 8:** What are the names of the Supreme Court of the United States cases connected to People v. Weaver?

James and Morrison

Estelle and Gamble

Bragdon and Abbott

**Knotts and Jones**

**CORRECT:** Knotts and Jones are the Supreme Court of the United States cases connected to People v. Weaver.

**INCORRECT:** The correct answer is Knotts and Jones. They are the top cases connected to People v. Weaver in the Ravel View for this issue.)

# Module 6: Making Sure You're Citing Good Law

## Learning Objectives:

- Identifying citator signals that designate negative history (e.g. reversed) or treatment (e.g. overruled) associated with one or more points of law in the case
- Checking both the Appellate History and the Citing Decisions to find any cases that could affect the validity of a relevant point of law
- Viewing the Appellate History Map to see a visual representation of a case's path through the courts
- Narrowing citing decisions by analysis, court, depth of discussion and particular headnote
- Sorting results by court, analysis, discussion depth or date

**Summary:** In this module, students will learn how to validate holdings in a case using a legal citator. The module begins by having students consider a hypothetical. Students learn how to identify signals that alert them to negative treatment and how to interpret the citator reports provided. They learn how to review the appellate history and citing decisions report of case to evaluate validity. They also learn how to use the tools within to refine results to cases that negatively treat their case.

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** True or false? Citators are used to check the validity of cases, statutes and regulations.

**True**

**False**

**CORRECT:** A citator is a tool that helps determine what has happened to a case, statute, or regulation after it was released. This [information] helps you to determine if the case is still valid and therefore citable.

**INCORRECT:** The correct answer is True. A citator is a tool that helps determine what has happened to a case, statute, or regulation after it was released. This information helps you to determine if the case is still valid and therefore citable.

**QUESTION 2:** According to the *Shepard's* report for *United States v. Lee*, 22 F.3d 736, how many other cases have questioned a ruling from Lee?

0-2

**3-8**

9-13

14+

**CORRECT:** 3-8 cases have questioned the Lee case. You can quickly see this in the *Shepard's* summary to the right of the Lee case.

**INCORRECT:** The correct answer is 3-8. You can quickly see this in the *Shepard's* summary to the right of the Lee case.

**QUESTION 3:** You can determine the validity of a case by viewing the signal attached to it.

True

**False**

**CORRECT:** These signals do not evaluate the validity of an entire case. Instead they attach to points of law in a case and alert you to the way subsequent decisions have analyzed those points of law. You must read the opinions to determine the effect on validity.

**INCORRECT:** The correct answer is False. These signals do not evaluate the validity of an entire case. Instead they attach to points of law in a case and alert you to the way subsequent decisions have analyzed those points of law. You must read the opinions to determine the effect on validity.)

**QUESTION 4:** Which are the most important decisions from a case's appellate history when validation checking?

Prior decisions

**Subsequent decisions**

Indirect decisions

None of the above

**CORRECT:** When you're using *Shepard's* to determine if a holding from your case is still valid authority, subsequent decisions are the most important cases for your review because they can affirm, invalidate or reverse the case you are validating.

**INCORRECT:** The correct answer is Subsequent Decisions. When you're using *Shepard's* to determine if a holding from your case is still valid authority, subsequent decisions are the most important cases for your review because they can affirm, invalidate or reverse the case you are validating.

**QUESTION 5:** According to the Appellate History Map, where did the later proceedings take place in *World Wide Volkswagen*, 444 U.S. 286?

U.S. Supreme Court

**Federal Intermediate Court of Appeals**

Federal Trial Court

Federal Administrative Agency

**CORRECT:** The later proceedings took place in the 10th Circuit Court of Appeals. They are listed in the Federal Intermediate Court of Appeals level of the Appellate History Map.

**INCORRECT:** The correct answer is Federal Intermediate Court of Appeals, because the later proceedings took place in the 10th Circuit Court of Appeals. They are listed in the Federal Intermediate Court of Appeals level of the Appellate History Map.

**QUESTION 6:** Use the Analysis filters to determine which of these decisions analyzing Lee mentions violent felony and questions a holding from Lee?

United States v. Martin

United States v. Davis

United States v. Smith

**United States v. Taylor**

**CORRECT:** United States v. Taylor both discusses violent felony and questions a holding from Lee.

**INCORRECT:** The correct answer is United States v. Taylor because it both discusses violent felony and questions a holding from Lee. Use the Search Within Results filter to search for violent felony, then narrow your results to cases with “Questioned” level analysis.

**QUESTION 7:** Use the Analysis filters to find the case that mentions violent felony and criticizes United States v. Lee, 22 f.3d 736.

United States v. Martin

**United States v. Payne**

Chue Xiong v. INS

United States v. Arnold

**CORRECT:** United States v. Payne both discusses violent felony and criticizes a holding from Lee.

**INCORRECT:** The correct answer is United States v. Payne because it both discusses violent felony and criticizes a holding from Lee. Use the Search Within Results filter to search for violent felony, then narrow your results with the criticized by link under the analysis filter.

**QUESTION 8:** Which of the cases that mention violent felony and distinguish themselves from the Lee case has a deeper discussion of Lee?

**United States v. Payne**

Chue Xiong v. INS

**CORRECT:** United States v. Payne has a deeper discussion indicated by the “Discussion meter.”

**INCORRECT:** The correct answer is United States v. Payne because it has a deeper discussion indicated by the “Discussion meter.”

# Module 7: Finding More Authority from a Case

## Learning Objectives:

- Finding cases that have cited a particular case and how these cases treat specific points of law
- Using the Grid view for a graphical display of the analysis by jurisdiction and treatment
- Filtering and sorting citator results to locate most relevant cases
- Finding additional citing authority and commentary through secondary materials that cite to a particular case
- Using the Table of Authorities to examine the underpinnings of a case

**Summary:** In this module, students will learn how to expand their case research using a legal citator and how to find additional cases that support their legal issue using filters. The module begins with a hypothetical. Students learn how to access additional sources that cite to their case (e.g., statutes, regulations, and secondary materials) and how they may be useful. Finally, students learn how to use a Table of Authorities to explore the underpinnings of a case.

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** What federal circuit court has the most cases citing *United States v. Howze*, 343 F.3d 919?

1st Circuit

6th Circuit

**7th Circuit**

10th Circuit

**CORRECT:** The 7th Circuit court includes more than 40 cases citing *United States v. Howze*

**INCORRECT:** The correct answer is the 7th circuit with more than 40 cases citing *United States v. Howze*. Click Citing Decisions on the left, then the Grid on the right to view Analysis by Court

**QUESTION 2:** True or False. Citators can be used to find more authority addressing a legal issue.

**CORRECT:** Using a citator service is an efficient means of finding additional authority.

**INCORRECT:** The correct answer is True. Using a citator service is an efficient means of finding additional authority.

**QUESTION 3:** In the *United States v. Jones* case, which headnote addresses whether a GPS device attached to a vehicle for monitoring purposes constitutes a “search”?

HN 2

**HN 3**

HN 6

HN 7

**CORRECT:** Headnote 3 states: The Government's installation of a global-positioning-system device on a target's vehicle, and its use of that device to monitor the vehicle's movements, constitutes a "search."

**INCORRECT:** The correct answer is Headnote 3 that states: The Government's installation of a global-positioning-system device on a target's vehicle, and its use of that device to monitor the vehicle's movements, constitutes a "search."

**QUESTION 4:** What is the name of the New York Court of Appeals case that cites to *United States v. Jones* pursuant to HN 3?

New York State Dept. of Labor v. Matter of Claremont

Paige v. N.Y. City Police Dep't

United States v. Baez

**People v. Lewis**

**CORRECT:** *People v. Lewis* cites *United States v. Jones* on page 903 related to HN 3.

**INCORRECT:** The correct answer is *People v. Lewis*. Using filters on the left, select New York under States. This case cites *United States v. Jones* on page 903 related to HN 3.)

**QUESTION 5:** What is the United States Supreme Court case that relied on *United States v. Jones* to support its Fourth Amendment challenge on appeal on March 30, 2015?

Florida v. Jardines

Riley v. California

**Grady v. North Carolina**

Cuevas-Perez v. United States

**CORRECT:** *Grady v. North Carolina*

**INCORRECT:** The correct answer is *Grady v. North Carolina*. In the *Shepard's* report for *United States v. Jones*, remove any filters and select Citing Decisions. All Supreme Court cases are listed first as the default. In *Grady v. North Carolina*, read the portion of the case where *U.S. v. Jones* is cited.)

**QUESTION 6:** What is the name of the New York state case cited in the *Jones* opinion?

United States v. Burke

**People v. Weaver**

Thrifty-Tel, Inc. v. Bezenek

United States v. Gerber

**CORRECT:** *People v. Weaver* is the only New York state case cited by *United States v. Jones*

**INCORRECT:** The correct answer is *People v. Weaver*. In the *Shepard's* report for *United State v. Jones*, select Table of Authorities. Filter by New York under State Courts. There is only one New York case cited by *United States v. Jones*.)

**QUESTION 7:** In *People v. Weaver*, what is the number of the HN that states that a warrant is required to monitor an individual's whereabouts using a GPS device?

HN 7

HN 9

HN 11

**HN 13**

**CORRECT:** HN 13 states that a warrant is required to monitor an individual's whereabouts using a GPS device.

**INCORRECT:** The correct answer is HN 13. In the *People v. Weaver* case, scroll down the case brief to the Headnotes. HN 13 states, "...the installation and use of a GPS device to monitor an individual's whereabouts requires a warrant supported by probable cause."

**QUESTION 8:** Which of the following statements is false. *Shepard's* Citation Service can help me:

Find cases that cite my case related to a relevant headnote

Sort Citing Decisions by date

Filter Citing Decisions to a specific jurisdiction

**Find additional materials that address my issue but do not cite my case.**

Find secondary sources that cite my case

**CORRECT:** *Shepard's* provides a list of cases and other sources that specifically cite to the case you are checking.

**INCORRECT:** "Find additional materials that address my issue but do not cite my case" is false. *Shepard's* provides a list of cases and other sources that specifically cite to the case you are checking.

## Module 8: Researching Administrative Law Issues

### Learning Objectives:

- Learning how a regulation differs from statute
- Understanding the regulatory process
- Finding related regulations from a relevant federal statute
- Using a table of contents to navigate the CFR
- Updating a regulation
- Finding cases that cite to a relevant regulation

**Summary:** In this module, students will learn the basics of researching administrative law using an online research system. The module begins explaining the difference between an enabling statute and a regulation, and how regulations are set forth and published. Students then view a hypothetical that sets forth the research issues. Students learn the process of finding related regulations for a relevant statute, how to use the tools to navigate within an administrative code, and how to update relevant regulations. Students also learn how to find cases that apply a relevant regulation.

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** After a federal agency rule is finalized, it is codified in the

- Federal Register
- United States Code
- Code of Federal Regulations**

**CORRECT:** The final rule is codified in the Code of Federal Regulations.

**INCORRECT:** The correct answer is code of Code of Federal Regulations.

**QUESTION 2:** True or false. Administrative agencies only enforce regulations. They do not create regulations.

- True
- False**

**CORRECT:** Agencies are typically granted the power to both create and enforce regulations.

**INCORRECT:** The correct answer is **False**. Agencies are typically granted the power to both create and enforce regulations.)

**QUESTION 3:** What chapter under title 7 of the United States Code is dedicated to Honeybees?

- Chapter 9
- Chapter 10
- Chapter 11**
- Chapter 12

**CORRECT:** Clicking the slider to the left of 7 USCS 281 lets you view the Table of Contents and navigate to the chapter headings where Chapter 11: Honeybees is listed.

**INCORRECT:** The correct answer is **Chapter 11**. Clicking the slider to the left of 7 USCS 281 lets you view the Table of Contents and navigate to the chapter headings where Chapter 11: Honeybees is listed.

**QUESTION 4:** 7 CFR 322.1 defines important terms governed by the regulations under Part 322 of the Code of Federal Regulations. Which term is not mentioned in this section?

- Brood
- Honeybee
- **Killer Bee**
- Queen

**CORRECT:** Killer Bee is not mentioned in this regulation.

**INCORRECT:** The correct answer is Killer Bee. Use the Search Document function at the top of the regulation to search the word killer.



**QUESTION 5:** Which subsection of 7 CFR 322.2 covers the actions the Animal and Plant Health Inspection Service can take with regard to the used beekeeper suit and the colony of killer bees?

- a
- b
- c
- None of the above

**CORRECT:** Subsection (c) of 322.2 enumerates the actions the APHIS can take with regard to the used beekeeper suit and colony of killer bees.

**INCORRECT:** The correct answer is subsection (c) of 322.2 because it enumerates the actions the APHIS can take with regard to the used beekeeper suit and colony of killer bees.

**QUESTION 6:** True or false. The Federal Register is the official daily newspaper of the federal government of the United States where agencies publish proposed and final rules.

- True**
- False

**CORRECT:** The Federal Register is the official daily newspaper of the federal government of the United States where agencies publish proposed and final rules.

**INCORRECT:** The correct answer is True. The Federal Register is the official daily newspaper of the federal government of the United States where agencies publish proposed and final rules.)

**QUESTION 7:** USDA is the abbreviation for which federal agency?

- United States Department of Apiaries
- United States Department of American Honeybees
- United States Department of Agricultural Progress
- **United States Department of Agriculture**

**CORRECT:** USDA is the abbreviation for the United States Department of Agriculture.

**INCORRECT:** The correct answer is **the United States Department of Agriculture.**

**QUESTION 8:** What is another term you could use to search through these cases for interpretation of your issue?

- Africanized bees
- USDA
- **All of the above**
- None of the above

**CORRECT:** The correct answer is All of the Above. Africanized bees is another name for killer bees, and USDA finds cases that could discuss administrative decisions from the USDA.

**INCORRECT:** The correct answer is All of the above. Africanized bees is another name for killer bees, and USDA finds cases that could discuss administrative decisions from the USDA.

## Module 9: Legislative History Research

### Learning Objectives:

- Understanding the purpose and uses of legislative histories
- Understanding the process or steps involved in conducting legislative history research
- Reviewing the controlling statute to identify the applicable public law
- Exploring bill tracking and bill text reports to view any changes to a bill
- Researching congressional materials to find discussion of relevant statutory language

**Summary:** In this module, students will learn how to conduct federal legislative history research using an online research system. The module begins explaining what legislative history research means and the process. Students then view a hypothetical that sets forth the legislative history research assignment. Students walk through each step of the process:

- finding the enacted or amended statute
- selecting the appropriate public law
- identifying the bill number, chamber and bill title
- reviewing bill tracking and bill text reports
- running a search for the name of the bill
- reviewing legislative documents

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** True or false. Legislative History research includes locating congressional committee reports and floor debate discussing the law.

True

False

**CORRECT:** True. Thorough legislative history research includes reviewing congressional committee reports and floor debates for discussion of the particular law.

**INCORRECT:** The correct answer is True. Thorough legislative history research includes reviewing congressional committee reports and floor debates for discussion of the particular law.

**QUESTION 2:** Review finding relevant sections from an act. In the Plant Protection Act, 7 U.S.C.S. 7734, which subsection addresses importing or exporting plant pests?

(a)(2)

**(a)(1)(B)**

(b)(1)(A)

(b)(3)

**CORRECT:** Subsection (a)(1)(B) addresses importing or exporting plant pests.

**INCORRECT:** The correct answer is subsection (a)(1)(B) of 7 U.S.C.S. 7734 which states "A person that knowingly imports, enters, exports, or moves any plant, plant product, biological control organism, plant pest, noxious weed, or article, for distribution or sale,..."

**QUESTION 3:** Which section of a statute lists public laws?

Research References

Case Notes

**History**

**CORRECT:** Public law references are located under History

**INCORRECT:** The correct answer is History. Public Law references are located under the History portion of the statute. When viewing a statute, scroll down to History or use the Go To feature in the top navigation bar to “jump” to this portion of the statute.

**QUESTION 4:** Referring to the bill tracking report, 107 Bill Tracking H.R. 3162, on what date was the bill introduced to the House?

**October 23, 2001**

October 25, 2001

October 26, 2001

December 13, 2001

**CORRECT:** This bill was introduced to the House on October 23, 2001.

**INCORRECT:** The correct answer is October 23, 2001. In the bill tracking report, scroll down to the section titled Status. The first entry indicates the bill was introduced to the House on October 23, 2001.

**QUESTION 5:** Run this search, “domestic terrorism” /s defin! and (3162 or “patriot act”) in Statutes & Legislation. Filter by source to congressional research service reports. Open CRS Report No. R42536. What is the title?

Domestic Terrorism: An OverviewUSA PATRIOT Improvement and Reauthorization

**The Domestic Terrorist Threat: Background and Issues for Congress**

**CORRECT:** The Domestic Terrorist Threat: Background and Issues for Congress, CRS Report No. R42536

**INCORRECT:** The Correct answer is The Domestic Terrorist Threat: Background and Issues for Congress. After running the designated search and refining to congressional research service reports, you will find this document in the result set.

**QUESTION 6:** True or False. In the Bill Tracking report for P.L. 106-224, this law originated as bill, H.R. 2559?

**True**

False

**CORRECT:** H.R. 2559 is the original bill number

**INCORRECT:** The correct answer is True. Retrieve P.L. 106-224 and open the Bill Tracking Report under “About this Document”. At the top of the bill tracking report under Reporter are two citing references: 1999 Bill Tracking H.R. 2559 | 106 Bill Tracking H.R. 2559

**QUESTION 7:** In the Plant Protection Act, 7 U.S.C.S. § 7701, what is the public law number for this statute's enactment?

- P.L. 108-412
- **P.L. 106-224**
- P.L. 110-246
- P.L. 110-234

**CORRECT:** P.L. 106-224 is found under the History portion of the statute.

**INCORRECT:** The correct answer is P.L. 106-224 found under the History portion of the statute, 7 U.S.C.S. § 7701

**QUESTION 8:** Referring to the bill tracking report, 106 Bill Tracking H.R. 2559, a conference committee was formed to reconcile disagreements between the House and Senate. What is the citation to the conference committee report written to accompany this bill on May 24, 2000?

- H. Rpt. 106-300
- H. Rpt. 106-224
- H. Rpt. 106-639**
- H. Rpt. 106-2559

**CORRECT:** H. Rpt. 106-639 filed by the Conference Committee

**INCORRECT:** The correct answer is H. Rpt. 106-639. Retrieve 106 Bill Tracking H.R. 2559. Under the Actions section, scroll down to May 24, 2000 entries and note H. Rpt. 106-639 filed by the Conference Committee.

**QUESTION 9:** Retrieve Public Law 106-224 and select the Bill Text link under "About this Document". How many different versions of this bill are available?

- 2
- 4
- 5
- 7+**

**CORRECT:** 7 or more documents are available in the Results list

**INCORRECT:** The correct answer is 7+. Retrieve Public Law 106-224 and select the Bill Text link under "About this Document". Seven or more documents are available in the results list.

# Module 10: Drafting Documents for Transactional Practice

## Learning Objectives:

- Obtaining a general understanding of drafting documents in transactional areas
- Finding resources that provide an overview of a particular type of transaction
- Finding sample forms
- Understanding the value of drafting notes and alternative clauses
- Customizing an annotated form specific to your drafting assignment and delivery options

**Summary:** In this module, students will learn the basics of drafting documents in transactional practice areas using resources available on an online research system. Students view a hypothetical that sets forth the drafting assignment. They are introduced to a variety of sources including practice notes, treatises and annotated forms, and learn how to efficiently find sources relevant to the transaction. Students are guided through the process of drafting an industrial lease and surrender agreement using the integrated tools available within forms to view drafting notes and alternative clauses, insert content within form fields and save their work product.

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** Which resource will be helpful when starting a drafting assignment?

Practice notes

Treatises

Forms

**All of the above**

**CORRECT:** Practice notes, treatises, and forms are used by most attorneys when starting a drafting assignment.

**INCORRECT:** The correct answer is **All of the above**. Practice notes, treatises, and forms are used by most attorneys when starting a drafting assignment.

**QUESTION 2:** Which practice area is not available in the menu?

Business Entities

**Family Law**

Intellectual Property & Technology

Corporate and M&A

**CORRECT:** There are several practice areas available, but Family Law is not listed in the menu.

**INCORRECT:** The correct answer is Family Law. There are several practice areas available, but Family Law is not listed in the menu.

**QUESTION 3:** Typically, which party drafts the industrial lease agreement?

Lessee

Lessor

**Landlord's attorney**

Tenant's attorney

**CORRECT:** In most lease transactions, the landlord's attorney will draft the lease and the tenant's attorney will return the draft with proposed revisions.

**INCORRECT:** The correct answer is Landlord's attorney. In most lease transactions, the landlord's attorney will draft the lease and the tenant's attorney will return the draft with proposed revisions.)

**QUESTION 4:** Which is an important consideration for the permitted uses provision of an industrial lease agreement?

Tenant's ability to pay the lease each month

**Tenant's ability to operate its business**

Landlord's insurance

Landlord's other leased properties

**CORRECT:** The tenant should review this provision carefully to ensure that it does not unintentionally limit its ability to operate its business.

**INCORRECT:** The correct answer is Tenant's ability to operate its business. The tenant should review this provision carefully to ensure that it does not unintentionally limit its ability to operate its business.

**QUESTION 5:** What are tenant "self-help" rights?

- **Ability to perform necessary or required maintenance if the landlord fails to do so**
- Ability to improve the property without the landlord's permission
- Ability to help the landlord build additional structures on the property
- None of the above

**CORRECT:** "Self help" is the right to perform necessary or required maintenance within the building or project if the landlord fails to do so.

**INCORRECT:** The correct answer is Ability to perform necessary or required maintenance if the landlord fails to do so. "Self help" is the right to perform necessary or required maintenance within the building or project if the landlord fails to do so.

**QUESTION 6:** What other industrial lease forms are available?

- Tenant Drafted Industrial Lease
- Industrial Building Lease with Permitted Uses
- Lease of an Industrial Building**
- Industrial Lease for “Self Help”

**CORRECT:** After clicking the forms menu item on the left, you’ll see an option for Lease of an Industrial Building under the Industrial Lease Agreement section.

**INCORRECT:** The correct answer is Lease of an Industrial Building. After clicking the forms menu item on the left, you’ll see an option for Lease of an Industrial Building under the Industrial Lease Agreement section.

**QUESTION 7:** Surrender agreements may contain:

- Landlord’s conditions for early lease termination
- Tenant’s conditions for early lease termination
- Termination fees
- All of the above**

**CORRECT:** A Surrender Agreement (sometimes called a Lease Termination Agreement) is used when a tenant and its landlord agree to an early termination of their lease agreement. Both parties terms for early termination and termination fees may be included in the surrender agreement.

**INCORRECT:** The correct answer is All of the above. A Surrender Agreement (sometimes called a Lease Termination Agreement) is used when a tenant and its landlord agree to an early termination of their lease agreement. Both parties terms for early termination and termination fees may be included in the surrender agreement.)

**QUESTION 8:** True or false. You can download a form to your computer and customize it for your task.

- **True**
- False

**CORRECT:** Use the delivery icons to print, email or download the form or select Open Form in Word.

**INCORRECT:** The correct answer is True. Use the delivery icons to print, email or download the form or select Open Form in Word.

# Module 11: Briefs, Pleadings & Motions

## Learning Objectives:

- Examining briefs, pleadings and motions, and learning how they are used by attorneys
- Finding relevant examples of briefs, pleadings and motions related to a drafting assignment. Specific examples include: Complaint, Motion to Remand, Motion for Summary Judgment, and Appellate Brief.

**Summary:** In this modules, students will learn how to conduct research in preparation for litigation by finding relevant practice forms and materials including briefs, pleadings and motions. Each type of form is defined along with examples and how attorneys use them. Students view a hypothetical that sets forth the drafting assignments. They walk through the process of locating a Complaint that sets forth claims similar to their case. Finally, students learn how to find sample motions relevant to their drafting task and how to locate briefs filed with the court that involve a similar issue(s).

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** True or false? Attorneys use briefs, pleadings and motions from similar lawsuits to assist them in identifying relevant causes of action, legal issues and strategic insights.

**True**

**False**

**CORRECT:** True. Briefs, pleadings and motions are used by attorneys to assist with identifying relevant causes of action, legal issues, and strategic insights.

**INCORRECT:** The correct answer is True. Attorneys use briefs, pleadings and motions from similar lawsuits to identify relevant causes of action, legal issues and strategic insights.

**QUESTION 2:** Search the phrase “medical malpractice” in Briefs, Pleadings & Motions. Find pleadings from Alabama cases using filters. When was the Complaint filed in the Maddox v. Ashley case?

January 1, 2007

**January 31, 2007**

July 1, 2010

January 31, 2010

**CORRECT:** The Complaint was filed on January 31, 2007.

**INCORRECT:** The correct answer is January 31, 2007, the date the Complaint was filed by the Plaintiff, Faith Maddox, a minor by her Parents and Next Friends, Melody Maddox, and Robert Maddox. The citation for this Complaint is 2007 AL Cir. Ct. Pleadings LEXIS 19



**QUESTION 3:** Retrieve this motion, Fannie Mae v. KAMA, 2011 U.S. Dist. Ct. Motions LEXIS 8968. What case is cited under section IV. B?

Huth v. Hartford Ins. Co

**Spencer v. U.S. Dist. Court for N. Dist. Of Cal.**

Hawai'i v. Abbott Labs

None of these

**CORRECT:** Spencer v. U.S. Dist. Court for N. Dist. Of Cal. is cited under section IV. B

**INCORRECT:** The correct answer is Spencer v. U.S. Dist. Court for N. Dist. Of Cal. Retrieve this motion by its citation, 2011 U.S. Dist. Ct. Motions LEXIS 8968 and scroll down to section IV. B.

**QUESTION 4:** In the Fannie Mae v. KAMA case from the U.S. District Court, did the Court grant Plaintiff's Motion to Remand?

**Yes**

No

**CORRECT:** Yes. The opinion states, "...the Court RECOMMENDS that the district court GRANT Plaintiff's Motion."

**INCORRECT:** The correct answer is Yes. In the Fannie Mae case, 2011 U.S. Dist. LEXIS 41802, the opinion states, "...the Court recommends that the district court grant Plaintiff's Motion.")

**QUESTION 5:** You need to draft a Motion for Summary Judgment in a products liability case and want to find examples in the state of New York. Which of the following searches will provide sample documents?

- Search the terms, motion for summary judgment and product liability. Use filters on the left to refine by Briefs, Pleadings and Motions, then Motions, then select New York.
- Search the terms, products liability and motion for summary judgment and presearch filter to Briefs, Pleadings and Motions under Category, and select a New York under Jurisdiction.
- **Both options will provide Motion for Summary Judgment documents.**

**CORRECT:** Both search examples will provide Motion for Summary Judgment documents filed in product liability cases.

**INCORRECT:** The correct answer is "Both options will provide Motion for Summary Judgment documents". Whether you select filters prior to running your search or select the exact same filters after running your search, you will retrieve the same results.

**QUESTION 6:** In the list of Briefs for Bachelder v. America West Airlines (259 F.3d 1112), find the appellant's opening brief filed in Lew v. Superior Court of California on October 15, 2008 (HINT: use the Search Within Results or Timeline filter to quickly find this document). Section VII. A of the brief discusses the FMLA. Which of the following cases is cited in this section?

**Xin Liu v. Amway Corp.**

Sanders v. City of Newport

Golez v. Potter

Dean v. Safeway Inc.

**CORRECT:** The brief cites Xin Liu v. Amway Corp. in its discussion of the FMLA.

**INCORRECT:** The correct answer is Xin Liu v. Amway Corp.

## Module 12: Topical Searches and Using Headnotes

### Learning Objectives:

- Understanding the concept and value of a legal digest
- Locating legal topics and subtopics
- Finding cases related to a specific legal topic
- Understanding the integration between legal topics and headnotes
- How to use headnotes to find relevant authority

**Summary:** In this module, students will learn about legal digests and how to search for cases and statutes that are covered by a particular legal topic. In addition, they will learn what headnotes are, and how to use them to find authority on a particular legal topic. Particularly, when researching an issue is an unfamiliar area of law.

**Questions in this module** (apply the concepts/skills covered):

**QUESTION 1:** Which of the following sub-topics appear when you choose Securities Law as your Topic in Find a Topic?

Criminal Offense

Investment Companies

Public Utility Holding Companies

**All of the above**

**CORRECT ANSWER:** The correct answer is All of the above

**INCORRECT:** The correct answer is All of the above. Select Browse Topics > Securities Law from the Browse menu in the top navigation bar.

**QUESTION 2:** What is the citation for the United States v. Katzin case that appears in your result set?

**732 F.3d 187**

468 U.S. 705

468 U.S. 567

598 F.3d 839

**CORRECT ANSWER:** The correct answer is 732 F.3d. 187

**INCORRECT:** The correct answer is 732 F. 3d. 187.

**QUESTION 3:** What is the name of the United States Supreme Court case in your refined result list?

United States v. Brown

**United States v. Jones**

United State v. Smith

United States v. Rivera

**CORRECT ANSWER:** The correct answer is United States v. Jones

**INCORRECT:** The correct answer is United States v. Jones. Use filters to refine to U.S. Supreme Court cases.

**QUESTION 4:** What headnote discusses whether use of a global positioning system constitutes a search?

Headnote 1

**Headnote 3**

Headnote 6

Headnote 11

**CORRECT ANSWER:** The correct answer is Headnote 3

**INCORRECT:** The correct answer is Headnote 3 stating that the use of a global positioning system constitutes a search.

**QUESTION 5:**

In the *People v. Weaver* case. What headnote(s) have been classified under the Electronic Papers and Tracking Devices topic?

**Headnote 13**

Headnote 5

Headnote 1 and 8

**CORRECT ANSWER:** The correct answer is Headnote 13

**INCORRECT:** The correct answer is Headnote 13. The topic is Electronic Beepers, Pagers and Tracking devices.

**QUESTION 6:**

How many cases cite to *People v Weaver* for the point of law described in headnote number 13 (select the closest number)?

26

23

15

**13**

**CORRECT ANSWER:** The correct answer is 13.

**INCORRECT:** The answer is 13, or more, cases cite to *People v. Weaver* for the point of law described in headnote 13.

**QUESTION 7:** What is the name of the November 3, 2017 case that followed *People v. Weaver* related to Headnote 13?

**People v. Gordon**

Matter of Cunningham v. New York State Dept. of Labor

State v. Holden

**CORRECT ANSWER:** The correct answer is *People v. Gordon*

**INCORRECT:** The correct answer is *People v. Gordon*. In the filters on the left, refine by Followed by, under Analysis.

## Module 13: Starting Practice Area Research

**Learning Objectives:**

- Locating Practice Centers by jurisdiction and practice area
- Understanding how content is organized within practice centers
- Uncover foundational knowledge to understand a particular practice area
- Find top sources and relevant authority

**Summary:** In this module, students will learn how to start researching in a particular practice area regardless of their knowledge and experience. They will know where to access practice centers by area of law and jurisdiction to gain foundational knowledge in unfamiliar areas of law. Students will learn about the top sources used in a practice area and how to retrieve relevant authority.

**QUESTION 1:** The materials in the practice areas help an attorney be more effective in conducting research because:

They help give an attorney foundational knowledge necessary to better understand a particular practice area.

They contain the top sources and research topics for a particular practice area.

They help attorneys that are not familiar with a practice area easily find relevant cases and sources important to that practice area.

**All of the above.**

**CORRECT ANSWER:** The correct answer is All of the Above

**INCORRECT:** The correct answer is All of the Above.

**QUESTION 2:** What topic is not included as a practice area?

Bankruptcy

Family Law

**Criminal Procedure**

Manufacturing

**CORRECT ANSWER:** The correct answer is Criminal Procedure

**INCORRECT:** The correct answer is Criminal Procedure. Select Browse from the top navigation bar. Select Practice Centers > By Practice Area or Industry

**QUESTION 3:** Take a look at the first article, Every Drug Case has Warrantless Searches. Who is the author of that article?

Elizabeth Englehardt  
David Brown  
Jules Espstein  
**Karen Straus**

**CORRECT ANSWER:** The correct answer is Karen Straus

**INCORRECT:** The correct answer is Karen Straus. When viewing the article, look under Author at the top of the document.

**QUESTION 4:** What is one of the first cases listed when you retrieve the top search and seizure cases?

Arizona v. Gant  
**Terry v. Ohio**  
Beck v. Ohio  
Boyd v. U.S.

**CORRECT ANSWER:** The correct answer is Terry v. Ohio

**INCORRECT:** The correct answer is Terry v. Ohio. In the Criminal Law Practice Center, select Search & Seizure under Key Topics> down arrow> Get Documents

**QUESTION 5:** After narrowing the top cases to those involving GPS and in the New York Jurisdiction, what is the top case that you find?

People v. Bookman  
People v. Gant  
**People v. Weaver**  
People v. Lacy

**CORRECT ANSWER:** The correct answer is People v. Weaver

**INCORRECT:** The correct answer is People v. Weaver. Filter case results by New York and view result list.

## Module 14: Legal Analytics: Researching Judges and Expert Witnesses

### Learning Objectives:

- Understanding what legal analytics means and how it applies to various legal tasks
- Find and vet expert witnesses
- Uncover information about a judge including how the judge rules on motions and the cases the judge cites to most often
- Craft a more persuasive argument with the language that will resonate most with a judge.

**Summary:** In this module, students will understand how legal analytics is incorporated in to attorney workflow as part of the litigation cycle. They will learn how to find and vet expert witnesses. Also, how to thoroughly research a judge that includes background information,

how the judge rules on motions, the cases cited to most often, and the language the judge uses to support related rulings. These insights enable attorneys to craft a more persuasive argument.

**QUESTION 1:** True or False: Dr. Greenland has mainly been hired by plaintiffs, not defendants.

**CORRECT ANSWER:** True. Dr. Greenland has been hired by plaintiffs for more than 90% of the cases with which he's been involved.

**INCORRECT:** The correct answer is True. Dr. Greenland has been hired by plaintiffs for more than 90% of the cases with which he's been involved.

**QUESTION 2:** According to the Challenges by Type grid, what aspect of this expert's testimony has been discussed most frequently by Courts?

**Methodology**

Qualification

Relevance

Procedure

**CORRECT ANSWER:** The correct answer is **Methodology**

**QUESTION 3:** According to the overview page, what general topic are most of Judge Kronstadt's opinions about?

Labor and Employment

Contract Law

Intellectual Property

**Civil Procedure**

**CORRECT ANSWER:** The correct answer is **Civil Procedure**

**INCORRECT:** The correct answer is **Civil Procedure**.

**QUESTION 4:** In *Morales v. Kraft Foods Grp., Inc.*, how did Judge Kronstadt rule on the motion to exclude?

Granted

**Denied**

Partial

**CORRECT ANSWER:** The correct answer is **Denied**

**INCORRECT:** The correct answer is **Denied**. Judge Kronstadt denied the motion to exclude in *Morales v. Kraft Foods Grp., Inc.*

**QUESTION 5:** True or False: Dr. Greenland has never cited to the case *Gaus v. Miles, Inc.*

**CORRECT ANSWER:** The correct answer is **False**. Judge Kronstadt has frequently cited to *Gaus v. Miles, Inc.*

**INCORRECT:** The correct answer is **False**. Judge Kronstadt has frequently cited to *Gaus v. Miles, Inc.*

# Administration

## HOW TO ACCESS LEXIS LEARN

Sign in to [www.lexisnexis.com/lawschool](http://www.lexisnexis.com/lawschool) and click on Lexis Learn in the top menu.

## HOW TO PREVIEW MODULES

Click on the class called Preview Modules. All modules are listed; click on any you want to preview. Use the progress bar at the bottom of the video player to move forward or backwards (Note: the ability to fast forward is not available to students). Use the right and left arrow in the lower navigation bar to jump to questions.

## HOW TO SET UP A CLASS AND ASSIGN MODULES

- Click Create Class from the menu at the top of the screen.
- Enter a class name and description. The description is optional, but can be helpful in reiterating the purpose of the assignment or providing additional instructions to your students.
- Under Manage Class Modules, click the Assign button to select the modules you want to assign. Note option to assign due date.
- Once you've chosen all the modules you would like to assign, click "Save Changes".

## HOW TO DELETE A CLASS

If you need to delete a class, enter that class and click the "Delete Class" button above Manage Class Modules. Deletion is permanent and all analytics from that class will be lost.

## HOW TO VIEW ANALYTICS BY CLASS, STUDENT AND MODULE

**A. Reviewing Analytics:** After students join your class and complete the modules, you will be able to see the analytics.

### HOW CAN I VIEW CLASS (GROUP) PARTICIPATION ANALYTICS?

Select the class name from My Classes. Click the Class Analytics tab.

### HOW CAN I VIEW ANALYTICS BY MODULE?

Select the blue Module Analytics button next to the desired module.

### HOW LONG WILL ANALYTICS BE AVAILABLE FOR A SPECIFIC CLASS (GROUP)?

Analytics will be available for the duration of the semester. If you want to save the analytics for a specific class, select "Class Analytics" and download the spreadsheet. The information includes a list of students who accessed and completed specific modules along with their score, in your Lexis Learn class. Otherwise, all data will be removed as video tutorials are updated each semester.

**B. Analytics by Module:** To access analytics by module, select your Lexis Learn class under My Classes, and click on "Module Analytics" (in blue) to the right of the assigned module.  
A new tab will open.

### 1. Color Key:

**Grey:** student has not yet completed the question. You'll also notice a darker grey coloring for module elements require no response (e.g., information slide).

**Green:** student got the answer correct.

**Red:** student got the answer incorrect.

**Orange:** student has submitted a free text response or explanation that needs to be graded.

### 2. Overview:

The Lesson Overview shows how many students reached each question and a distribution of how your class on a whole understood the concepts tested within the question. Clicking into the question from the bar chart expands the view, providing more details on the question itself and how many students got the question right or wrong. Similarly, hovering over the pie chart for average score and lesson completed status, gives you details on the number of students falling within each category.

### 3. Individual Student Data:

Scroll down below the overview to see a list of students who have started or completed modules. The left and right arrows allow you to scroll through all of the questions in the module.

Click the triple dots next to a question header and select 'edit all' to open all of your student's responses so you can scroll down your student list and quickly edit the point value for each response if necessary. While the "Edit All" button is selected, the lesson overview charts are replaced with more fine-tuned analytics on the question itself. You will see info like the distribution of answers selected for that question and the average time devoted. Return to the triple dot menu for the question you are inspecting and click "close all" to return to the overview.

To view individual student data for a different module, click the module title under Question-By-Question Breakdown, and a list of all assigned modules will populate. Export student responses as a Worksheet. Simply navigate to the student's row, click the triple dots, and select 'export'.

Each student gets one attempt to complete each question within a module. You can reset the entire module for a specific student by clicking on the triple dots next to the student's name and selecting reset.

At any point, Click Refresh to return to the Overview.

Close the Analytics tab to return to your Lexis Learn class.

**C. Analytics by Class:** Click on Class Analytics to view or download a spreadsheet listing all students who accessed and completed specific modules in your Lexis Learn class.

**Instructions for Students:** Once you've set up a class, students can self-enroll.

1. Sign in to [www.lexisnexis.com/lawschool](http://www.lexisnexis.com/lawschool) and click on Lexis Learn (same location as faculty home page gives students a student view).
2. Select Professor's name from the list of instructors, then select the class.
3. The modules you've assigned will be displayed. Refer to the **student enrollment instructions for more complete instructions**. You can customize this document with additional information and send to your students. When students complete an assigned module, they will see their "score" or how many questions they answered correctly.



## FAQs:

**Q. Is closed captioning available?**

A. Yes. It's available upon request. Please contact your LexisNexis Account Executive.

**Q. Can I create multiple classes?**

A. Yes. You can create as many classes as you wish, although each class needs to have a different name. Providing a class description will further help students differentiate between classes.

**Q. How can I add another Professor or Teaching Assistant to my class so they can administer and view analytics as well?**

A. Contact your LexisNexis Account Executive.

**Q. Can a student complete Lexis Learn modules without a faculty specifically assigning them?**

A. Yes. The Lexis Learn link is available on the Law School student home page. Instead of selecting a Professor from the list, a student can select "Self-guided". This was added so students who discover Lexis Learn on their own, have an option to select and so they do not join a random Professor's Lexis Learn class. If using Lexis Learn, we highly recommend you create a class and assign modules whether requiring or recommending completion.

**Q. Can you use Lexis Learn on a tablet or mobile device?**

A. Lexis Learn is recommended on a desktop device because the experience is optimized for a larger size.

**Q. What browsers are recommended for Lexis Learn?**

A. Chrome is the recommended browser for using Lexis Learn. Firefox and Safari are also supported. Safari users will be prompted to open Lexis Advance in a new tab.

**Q. How long will analytics be available for a specific class/group?**

A. Analytics will be available for the duration of the semester. If you want to save the analytics for a specific class, select "Class Analytics" and download the spreadsheet. Otherwise, all data will be removed as video tutorials are updated each semester.

**Q. Can I provide my students with a direct url to the modules I've assigned?**

A. Direct the student to access Lexis Learn from the LexisNexis Student home page. They can either register for your class or simply choose it from their "my classes" page if already enrolled. Self-enrollment is necessary to capture module analytics.  
[www.lexisnexis.com/lawschool](http://www.lexisnexis.com/lawschool)

**Q. Why do the results live on Lexis Advance sometimes differ from what I see in the video?**

A. New sources and updated content are continuously added to Lexis Advance ensuring legal professionals have access to comprehensive and recent content. For example, if you are following along live per a search example in case law, it's possible you may have a slightly different result set than what you see in the video. This means additional cases were added since the video was created that related to your search terms. This will not affect learning the concepts and skills presented or answering the questions. In fact, demonstrates the value of online research systems.

# Support & Resources

## SUPPORT:

*Contact your*

**LEXISNEXIS® ACCOUNT EXECUTIVE**

*LexisNexis® Customer support:*

**1-800-45-LEXIS (800-455-3947)**

## RESOURCES:

**FACULTY OVERVIEW PDF**

**STUDENT ENROLLMENT INSTRUCTIONS.DOC**

**HELP BUTTON IN LEXIS LEARN (UP TOP)**