# LEGAL REASONING

**Is legal reasoning formal or informal reasoning?**

Legal reasoning incorporates both formal and informal reasoning, blending elements from each to address the complexities of legal issues. Here's a breakdown of how both types of reasoning apply:

### Formal Reasoning

1. Logical Structure: Legal reasoning often follows a structured, logical format, similar to deductive reasoning. For example, syllogisms (major premise, minor premise, conclusion) are frequently used in legal arguments.
2. Precedent and Statutes: The reliance on precedents (stare decisis) and the application of statutory laws reflect formal reasoning. Lawyers and judges analyze past decisions and apply established legal principles to current cases.
3. Rules and Procedures: The legal process is governed by formal rules and procedures, such as the rules of evidence, which dictate what can be considered in court.

### Informal Reasoning

1. Interpretation and Context: Legal reasoning often requires interpretation of statutes, contracts, and other legal texts. This involves understanding the context, intent, and purpose behind the laws, which goes beyond rigid formalism.
2. Analogical Reasoning: Lawyers frequently use analogical reasoning, comparing current cases to past cases to draw similarities and differences. This type of reasoning is less rigid and more flexible than formal logical structures.
3. Equity and Fairness: Courts sometimes apply principles of equity, which require a more informal, flexible approach to ensure fairness and justice in individual cases.

Blending Both Types

* Balancing Act: Effective legal reasoning requires balancing formal legal rules with the need for justice and practical outcomes. Judges and lawyers must navigate both the letter of the law and the spirit of the law.
* Dynamic Application: The legal field is dynamic, with evolving norms and societal values. Informal reasoning allows for adaptability and responsiveness to new issues, while formal reasoning ensures consistency and predictability.

Examples

* Case Law Analysis: Judges analyze prior case law (formal) but also consider the specific facts and circumstances of the current case (informal).
* Statutory Interpretation: Interpreting a statute involves examining the literal language (formal) and the legislative intent and broader societal impact (informal).

In summary, legal reasoning is a hybrid that incorporates formal logical structures and informal, context-sensitive approaches to achieve fair and just outcomes. This combination allows the legal system to maintain consistency while also adapting to new and unique situations.

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## ERROR CATEGORIES:

Commonly occurring errors (from sentence-level human annotations)

| Broad-Category | Sub-Category | Description |
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| **Misinterpretation** | - | The LLM misinterprets or omits some part/entirety of the legal context, question or the options (or a combination of them). This usually leads to the wrong reasoning and selection of wrong conclusions. The following error instances fall under the taxon of misinterpretation: 1. Misunderstanding the legal rules. 2. Misunderstanding the legal situation/issue at hand. 3. Omission of parts of the provided context while reasoning. 4. Incompletely applying a legal rule. 5. Incorrectly applying the legal rule. 6. Wrong assumptions derived from the provided context. |
| **Irrelevant Premise** | - | The LLM generates a premise which is not relevant in solving the question or that it may divert the reasoning chain from solving the question correctly. An premise may be logically valid and factually true but the absence of this premise can still lead to the correct conclusion. |
| **Factual Hallucination** | - | This error category covers instances where the LLM, during its reasoning process, generates information that is either inconsistent with the facts of the given legal scenario or is entirely fabricated with no basis in reality. |

| **Conclusion-level** | Wrong Conclusion from  Incomplete Premise(s) | Wrong Conclusion being reached even when all premises are correct and sufficient OR correct but insufficient. |
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| Wrong Conclusion from False Premises | Wrong Conclusion being reached even when the LLM wrongly analyzes a correct option and predicts a wrong option as the correct one. |
| Right Conclusion from  False Premise(s) | Right conclusion being reached even when some premise is  incorrect. This means that reasoning chain is still faulty and  there is some misinterpretation in some part of the reasoning  chain. |
| Right Conclusion from In-  complete Premise(s) | Right conclusion being reached even when premises are insufficient. This means that the reasoning chain is still faulty and there is some misinterpretation in some part of the reasoning chain. |
| Hallucination in the Conclusion | While the correct option is chosen. The content of the generated option does not match with the content of the actual option provided in the input. |

Latest Prompt Template:

| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Question:  Options:  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
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| **Ground Truth Analysis:** |
| **Llama-3.1-8B Generated Reasoning Chain to solve the legal scenario:** |
| **Human Annotator Analysis (of Llama-3.1-8B):** |

## DATA SAMPLES:

(All these questions are hypothetical scenarios and may not reflect the latest law. Our primary purpose is to use those hypothetical scenarios to elicit and test reasoning of the LLMs; not learn about any law.)

We find that the LLM presents its reasoning in the following format:

Premise 1 -> Premise 2 -> Premise 3 -> ….-> Premise k -> Final conclusion.

Here Premises 1 to k build the reasoning towards a final answer which is in Final conclusion.

### 1. Marla, who grew up in Montana…

| **1.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Under federal diversity jurisdiction a citizen of one state may sue a citizen of another in federal court, even though her claim arises under state law, if she has a colorable claim for more than $75,000. The state citizenship of a person—as opposed to that of a corporation—is determined by her domicile, that is, the most recent state where she has (1) resided with (2) the intent to remain indefinitely. The ‘‘residence’’ requirement is easily satisfied. Staying overnight in a hotel or a tent will establish ‘‘residence’’ in a state. It is the intent-to-remain-indefinitely prong that gives students problems. A person intends to remain indefinitely in a state if she is residing in the state on an open-ended basis, without the intent to leave at a definite time or on the occurrence of a definite event. You don’t have to swear allegiance forever to a state to acquire domicile there; you only need to reside there ‘‘indefinitely,’’ that is, on an open-ended basis. If a party is living in a state without definite plans to leave, the domicile test regards that state as her ‘‘home.’’ She is there, not as a visitor, but as a citizen. She is, psychologically speaking, at home there, rather than passing through. She may choose to move on, as we all may, but at the moment she has no plans to do so. Remember that, until the two prongs coincide in a new state, your old domicile continues, whether you plan to return to that state or not. If Acari, from Hawaii, leaves for a one-year job acting in a play in California, planning to go to New York afterwards, he remains domiciled in Hawaii, even if he swears that he will never return to Hawaii. He hasn’t acquired a domicile in California, because he doesn’t plan to stay there indefinitely. He hasn’t acquired one in New York either, since he doesn’t reside there yet. Domicile doctrine abhors a vacuum, so it holds that Acari keeps his Hawaii domicile until the two prerequisites come together in another state. In analyzing the question below, assume that the court applies the reside-with-intent-to-remain-indefinitely test, and consider where Marla has established a residence with the requisite ‘‘indefinite’’ intent.  Question:  Marla, who grew up in Montana, moved to Colorado after high school to enter a two-year program for hair stylists at the Denver Beauty School. She wasn’t sure if she really wanted to be a stylist, but she was anxious to get away from home, and her parents agreed to foot the bill, so off she went. She figured she’d stay if she liked it, and get a job as a stylist afterwards, in Denver or elsewhere in the West (including Montana). Or she would leave the program if she didn’t like it and look for work, hopefully in Denver. She took an apartment on a six-month lease. After moving to Denver, Marla  Options:  A. remains domiciled in Montana, because the program is only for two years.  B. remains domiciled in Montana, because she may return there to work as a stylist.  C. remains domiciled in Montana, because she was domiciled there before she left for Denver.  D. is domiciled in Colorado, because she resides there with the intent to remain indefinitely.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  Don’t be fooled by A. Although Marla’s program is for two years, that doesn’t mean that Marla will be there only for two years. The question indicates that she might stay in Denver after finishing the program, or she might leave for a job in some other Western state. Or, she might leave the program if she doesn’t like it and stay in Denver. Thus, she may leave Colorado, or she may not. Since she is not definitely planning to leave Colorado at the end of the program, her stay is not clearly limited to the two years of her academic program. How about B? It sounds seductively reasonable. But the test for domicile isn’t whether you might someday go back to the state from which you came. The test is your attitude toward the state where you are. If you live in a state indefinitely, you acquire a domicile there, even if you think you might go somewhere else, or back where you came from, at some point in the future. Here, Marla’s state of mind is that, whether she finishes the program or not, she may stay in Colorado, or she may leave. That certainly does not show an intent to leave at a definite time. She is in the state with no definite plans to leave. The possibility that Marla might move on at some time in the future does not make her current stay a ‘‘definite’’ one. She might leave Colorado, or she might not. That’s ‘‘indefinite’’ intent. C would only be right if Marla has not established a new domicile in Colorado. If she went to Denver for a fixed period, she would retain her Montana domicile. However, if she’s in Denver without definite plans to leave, she establishes a new domicile there. The facts suggest that her stay is open-ended, so she has established a Colorado domicile. D takes the prize. |
| **Mistral-7B Analysis**  [1] The question asks about Marla's domicile based on her current residence in Denver, Colorado, and her intentions regarding her stay there.  [2] According to the legal context, a person's domicile is determined by the state where they reside with the intent to remain indefinitely.  [3] Marla moved to Denver, Colorado, to attend a two-year hair stylist program. She was unsure about her career choice and had plans to leave the program if she didn't like it. She also mentioned that she might look for work in Denver or other western states, including Montana.  [4] Marla's lease in Denver is for six months, which indicates that she does not have an open-ended intention to remain in Colorado indefinitely.  [5] The fact that Marla was domiciled in Montana before moving to Denver does not automatically make her domiciled in Montana again. Domicile is determined by the present intent to remain indefinitely in a state, not by past domicile.  [6] Based on the information provided, Marla does not meet the requirement of residing in Colorado with the intent to remain indefinitely.    [Final Answer] A. remains domiciled in Montana. |
| **Llama 3-8b Analysis**  Here is my response:  \*\*Explanation of legal reasoning:\*\*  1. The legal context states that a person intends to remain indefinitely in a state if they are residing in the state on an open-ended basis, without the intent to leave at a definite time or on the occurrence of a definite event.  2. Marla moved to Colorado to attend a two-year program for hair stylists, but she didn't have a fixed plan to stay in Colorado after the program ends.  3. Marla's lease is only for six months, which indicates that she doesn't have a long-term commitment to staying in Colorado.  4. Marla's intention is to stay in Colorado if she likes the program, but she also has the option to leave and look for work elsewhere, including in Denver or Montana.  5. Since Marla doesn't have a fixed plan to stay in Colorado indefinitely, she hasn't acquired a domicile in Colorado.  \*\*Final Answer:\*\*  D. is domiciled in Colorado, because she resides there with the intent to remain indefinitely.  Note: Options A, B, and C are incorrect because they rely on assumptions about Marla's intentions or plans that are not supported by the facts. Option D is the correct answer because it accurately reflects Marla's situation, which is that she resides in Colorado on an open-ended basis without a fixed plan to leave. |
| **GPT-3.5-turbo Analysis:**  1. Marla's domicile is determined by her most recent state where she has resided with the intent to remain indefinitely.  2. Marla moved to Colorado after high school to attend a two-year program, but she was unsure if she wanted to stay in Colorado or return to Montana.  3. Marla took an apartment on a six-month lease, indicating that her stay in Colorado is not open-ended or indefinite.  4. Since Marla does not have the intent to remain indefinitely in Colorado and may potentially return to Montana, she remains domiciled in Montana.  5. Therefore, the correct option is: A. remains domiciled in Montana, because the program is only for two years. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding Domicile\*\*: According to the legal context provided, domicile is determined by two factors: residence and the intent to remain indefinitely. A person's domicile continues in their original state until both these factors are met in a new state.  2. \*\*Analyzing Marla's Intent\*\*: Marla moved to Colorado for a two-year program, which is a temporary purpose. Although she considered staying if she liked the program, her plans were not definite. She also contemplated returning to Montana or moving elsewhere in the West.  3. \*\*Temporary Nature of Stay\*\*: The fact that Marla took a six-month lease and her future plans were contingent on her liking the program suggests that her stay in Colorado is not on an open-ended basis. She has not committed to remaining in Colorado indefinitely.  4. \*\*Intent to Remain Indefinitely\*\*: Marla's situation does not clearly meet the "intent to remain indefinitely" criterion. Her plans are conditional and dependent on her experiences, indicating a lack of firm intent to make Colorado her permanent home.  5. \*\*Previous Domicile\*\*: Since Marla's intent to remain in Colorado indefinitely is not established, her domicile remains in Montana, where she lived before moving to Denver. The legal doctrine states that until both domicile conditions are met in a new state, the original domicile continues.  \*\*Final Answer: A. remains domiciled in Montana, because the program is only for two years.\*\* This option best reflects the temporary and conditional nature of Marla's stay in Colorado, aligning with the legal requirements for changing domicile. |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. Marla's domicile is determined by her residence and intent to remain indefinitely in a state.  2. Marla moved to Colorado for a two-year program, indicating a temporary stay.  3. Her intent to remain indefinitely is not clear as she is uncertain about her career choice and future plans.  4. She has taken an apartment on a six-month lease, which does not establish an indefinite intent to remain.  5. Marla's original domicile is Montana, where she grew up and lived before moving to Colorado.  Final Answer: C. remains domiciled in Montana, because she was domiciled there before she left for Denver. |
| **Meta-llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. To determine Marla's domicile, we need to analyze whether she has established a residence in Colorado with the intent to remain indefinitely.  2. Marla has taken an apartment on a six-month lease in Denver, which satisfies the "residence" requirement.  3. The key issue is whether Marla intends to remain in Colorado indefinitely. The fact that the program is only for two years (Option A) is not decisive, as the intent-to-remain-indefinitely prong focuses on whether Marla has definite plans to leave Colorado at a specific time or on the occurrence of a specific event.  4. Marla's plans are open-ended: she may stay in Denver if she likes the program and get a job as a stylist, or she may leave the program and look for work in Denver or elsewhere in the West, including Montana. This suggests that she does not have a fixed plan to leave Colorado at a specific time.  5. The fact that Marla may return to Montana to work as a stylist (Option B) is also not decisive, as the domicile test focuses on her current intent, not her future possibilities.  6. Option C is incorrect because, under the domicile doctrine, a person's old domicile continues only until the two prerequisites (residence and intent to remain indefinitely) coincide in a new state. If Marla has established a residence in Colorado with the intent to remain indefinitely, her old domicile in Montana would no longer apply.  7. Based on the analysis, Marla resides in Colorado with the intent to remain indefinitely, as she has no definite plans to leave the state.  Final Answer: D. |
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| **Human Annotator Analysis of Mistral 7b:** [1] The question asks about Marla's domicile based on her current residence in Denver, Colorado, and her intentions regarding her stay there. (Correct)  [2] According to the legal context, a person's domicile is determined by the state where they reside with the intent to remain indefinitely.(Correct)  [3] Marla moved to Denver, Colorado, to attend a two-year hair stylist program. She was unsure about her career choice and had plans to leave the program if she didn't like it. She also mentioned that she might look for work in Denver or other western states, including Montana.(Correct)  [4] Marla's lease in Denver is for six months, which indicates that she does not have an open-ended intention to remain in Colorado indefinitely.  (Misinterpretation) - (**Lease in Denver is for six months (A) -> indicates that she does not have an open-ended intention to remain in Colorado indefinitely (B)**) - Here B can not be true just because A is true, there are other factors which need to be true for B to be actually true. (A alone is not sufficient to prove that B is true.) (Incomplete/Insufficient cause for an effect)  (Misinterpretation) - There is a clear mention of “***get a job as a stylist afterwards, in Denver or elsewhere in the West (including Montana). Or she would leave the program if she didn’t like it and look for work, hopefully in Denver***”. The LLM did not take that into consideration. She does have an open-ended intention to remain in Colorado! (But the LLM assumed the opposite by cherry-picking!)  [5] The fact that Marla was domiciled in Montana before moving to Denver does not automatically make her domiciled in Montana again.Domicile is determined by the present intent to remain indefinitely in a state, not by past domicile.(Correct)  [6] Based on the information provided, Marla does not meet the requirement of residing in Colorado with the intent to remain indefinitely. (Wrong conclusion from False Premise) -- Wrong Conclusion as a consequence of [4]. Because of point [4], the LLM seems to have drawn a wrong conclusion, Error Propagation from [4] to [6].  [Final Answer] A. remains domiciled in Montana.  Annotator Remarks:  The LLM just disregarded point [5] while making the final conclusion in point [6]/ didn’t utilize the observations made in point [5] in any apparent way. It seems it jumped from [4] to [6] directly. |
| **Human Annotator Analysis of Llama 3-8b:** Here is my response:  \*\*Explanation of legal reasoning:\*\*  1. The legal context states that a person intends to remain indefinitely in a state if they are residing in the state on an open-ended basis, without the intent to leave at a definite time or on the occurrence of a definite event.(Correct)  2. Marla moved to Colorado to attend a two-year program for hair stylists, but she didn't have a fixed plan to stay in Colorado after the program ends.(Correct)  3. Marla's lease is only for six months, which indicates that she doesn't have a long-term commitment to staying in Colorado. (Fallacy of a Single Cause) - Marla leasing for only 6 months is not sufficient for her to assert that she does not have a long term commitment of staying in Colorado.  (Cherry Picking) - There is a clear mention of “***attend a two-year program for hair stylists. And the lease is only for six months***”. The LLM did not take that into consideration. She does have an open-ended intention to remain in Colorado!  4. Marla's intention is to stay in Colorado if she likes the program, but she also has the option to leave and look for work elsewhere, including in Denver or Montana(Correct).  5. Since Marla doesn't have a fixed plan to stay in Colorado indefinitely, she hasn't acquired a domicile in Colorado.(Incorrect). Wrong Conclusion from False premise. The LLM has incorrectly deduced the fact that Marla does have domicile in Colorado since it asserts that she has no indefinite plans to acquire domicile there.  \*\*Final Answer:\*\*  D. is domiciled in Colorado, because she resides there with the intent to remain indefinitely.  (Right Conclusion from a False Premise) - The LLM argued the total opposite of this option in the previous steps.  Note: Options A, B, and C are incorrect because they rely on assumptions about Marla's intentions or plans that are not supported by the facts. Option D is the correct answer because it accurately reflects Marla's situation, which is that she resides in Colorado on an open-ended basis without a fixed plan to leave.  Annotator Remarks:  The LLM could not correctly deduce the fact that Marla has an indefinite plan to stay in Colorado, leading to her being domiciled there. However, the LLM still chose the correct option. |
| **Human Annotator GPT-3.5-turbo Analysis:**  1. Marla's domicile is determined by her most recent state where she has resided with the intent to remain indefinitely. (Correct)  2. Marla moved to Colorado after high school to attend a two-year program, but she was unsure if she wanted to stay in Colorado or return to Montana. (Correct)  3. Marla took an apartment on a six-month lease, indicating that her stay in Colorado is not open-ended or indefinite. (Incorrect)  Clear mention of “get a job as a stylist afterwards, in Denver or elsewhere in the West (including Montana). Or she would leave the program if she didn’t like it and look for work, hopefully in Denver”. She has an open-ended intention to remain in Colorado. (Cherry-Picking)  4. Since Marla does not have the intent to remain indefinitely in Colorado and may potentially return to Montana, she remains domiciled in Montana. (Incorrect)  The line of reasoning is correct, but Marla’s intent to remain in Colorado indefinitely is established. (Cherry-Picking - same as [3])  5. Therefore, the correct option is: A. remains domiciled in Montana, because the program is only for two years. (Wrong Conclusion from False Premise) - Incorrect based on [4] which concludes that she remains domiciled in Montana |
| **Human Annotator GPT-4-turbo Analysis:**  1. \*\*Understanding Domicile\*\*: According to the legal context provided, domicile is determined by two factors: residence and the intent to remain indefinitely. A person's domicile continues in their original state until both these factors are met in a new state. (Correct)  2. \*\*Analyzing Marla's Intent\*\*: Marla moved to Colorado for a two-year program, which is a temporary purpose. Although she considered staying if she liked the program, her plans were not definite. She also contemplated returning to Montana or moving elsewhere in the West.  ‘plans are not definite’ implies plans are open-ended (intent to stay indefinitely).  3. \*\*Temporary Nature of Stay\*\*: The fact that Marla took a six-month lease and her future plans were contingent on her liking the program suggests that her stay in Colorado is not on an open-ended basis. She has not committed to remaining in Colorado indefinitely. (Cherry Picking) - There is mention of “***get a job as a stylist afterwards, in Denver or elsewhere in the West (including Montana). Or she would leave the program if she didn’t like it and look for work, hopefully in Denver***”. This indicates that she has an open-ended intention to remain in Colorado (as one of her options). Domicile is satisfied when ‘current residence’ + ‘intent to stay indefinitely’ are satisfied simultaneously. (Here it is being satisfied by Colorado)  4. \*\*Intent to Remain Indefinitely\*\*: Marla's situation does not clearly meet the "intent to remain indefinitely" criterion. Her plans are conditional and dependent on her experiences, indicating a lack of firm intent to make Colorado her permanent home. (Misinterpretation) - The previous analysis in blue tells why the exact opposite is true.  5. \*\*Previous Domicile\*\*: Since Marla's intent to remain in Colorado indefinitely is not established, her domicile remains in Montana, where she lived before moving to Denver. The legal doctrine states that until both domicile conditions are met in a new state, the original domicile continues. (Misinterpretation) - While this line of reasoning is correct by itself, the basis on which it argues (Marla's intent to remain in Colorado indefinitely is not established) is false and hence the LLM has committed a misinterpretation.  \*\*Final Answer: A. remains domiciled in Montana, because the program is only for two years.\*\* This option best reflects the temporary and conditional nature of Marla's stay in Colorado, aligning with the legal requirements for changing domicile. (Wrong Conclusion from False Premises) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. Marla's domicile is determined by her residence and intent to remain indefinitely in a state. (Correct)  2. Marla moved to Colorado for a two-year program, indicating a temporary stay. (Correct)  3. Her intent to remain indefinitely is not clear as she is uncertain about her career choice and future plans. (Misinterpretation) - Because Marla is uncertain of when or if she leaves, this changes her intent, as rather than her leaving being dependent on a future event, her intent is dependent on a future event. Because she must express definite plans to leave in order for her stay to be definite, and she does not currently express so, her stay is indefinite.  4. She has taken an apartment on a six-month lease, which does not establish an indefinite intent to remain. (Correct)  5. Marla's original domicile is Montana, where she grew up and lived before moving to Colorado. (Correct)  Final Answer: C. remains domiciled in Montana, because she was domiciled there before she left for Denver. (Wrong Conclusion from Wrong Premises) - The reasoning chain correctly analyzes some of the facts of the case, but fails to accurately determine the effect Marla’s uncertainty has on her intent. Because she is uncertain of when or if she leaves, this qualifies as intent to remain |
| **Human annotator analysis of llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. To determine Marla's domicile, we need to analyze whether she has established a residence in Colorado with the intent to remain indefinitely. (Correct)  2. Marla has taken an apartment on a six-month lease in Denver, which satisfies the "residence" requirement. (Correct)  3. The key issue is whether Marla intends to remain in Colorado indefinitely. The fact that the program is only for two years (Option A) is not decisive, as the intent-to-remain-indefinitely prong focuses on whether Marla has definite plans to leave Colorado at a specific time or on the occurrence of a specific event. (Correct)  4. Marla's plans are open-ended: she may stay in Denver if she likes the program and get a job as a stylist, or she may leave the program and look for work in Denver or elsewhere in the West, including Montana. This suggests that she does not have a fixed plan to leave Colorado at a specific time. (Correct)  5. The fact that Marla may return to Montana to work as a stylist (Option B) is also not decisive, as the domicile test focuses on her current intent, not her future possibilities. (Correct)  6. Option C is incorrect because, under the domicile doctrine, a person's old domicile continues only until the two prerequisites (residence and intent to remain indefinitely) coincide in a new state. If Marla has established a residence in Colorado with the intent to remain indefinitely, her old domicile in Montana would no longer apply. (Correct)  7. Based on the analysis, Marla resides in Colorado with the intent to remain indefinitely, as she has no definite plans to leave the state. (Correct)  Final Answer: D. |

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### 2. Consolidated Corporation sues Garces,...

| **2.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context: The most fundamental point about arising-under jurisdiction is that many cases that involve federal issues do not ‘‘arise under’’ federal law. This is the essential message of that civil procedure chestnut, Louisville & Nashville R.R. v. Mottley, 211 U.S. 149 (1908). In Mottley, the plaintiffs sued the railroad for breach of contract, and alleged in their complaint that the railroad had breached the contract because it believed that a federal statute prohibited it from renewing their passes for free travel. In fact, when it answered the complaint, the railroad did rely on the federal statute as their justification for denying the passes. The parties then litigated that federal question and the federal trial court held that the federal statute did not bar renewing the passes. The United States Supreme Court reversed and ordered the case dismissed for lack of subject matter jurisdiction. The Court held that a case only ‘‘arises under’’ federal law, within the meaning of the federal statute granting arising-under jurisdiction, if the plaintiff relies on federal law as the source of her right to relief. That wasn’t true in Mottley: the plaintiffs had sued for breach of contract, a state law claim. Although a federal issue was litigated, because the railroad raised a defense based on federal law, the plaintiffs did not base their claim on federal law. The fundamental premise of the Mottley rule is that we must assess the federal court’s subject matter jurisdiction based on the plaintiff’s complaint. There is no inherent reason why this must be so. Presumably, the court could wait to see whether the defendant’s answer raises defenses based on federal law, or asserts a counterclaim under federal law, and allow the court to hear the case if she does. Such later pleadings may inject important federal issues into the case, as they did in Mottley. There’s a good argument that this would be a sensible interpretation of the arising-under statute. Indeed, the American Law Institute recommended some years ago that removal be authorized where the plaintiff sues in state court and the defendant asserts a federal law defense. See American Law Institute, Study of the Division of Jurisdiction Between State and Federal Courts, §1312(a)(2) (1969). But Mottley is still a good law in the federal courts. Here’s a fairly straightforward question that illustrates the point.  Question:  Consolidated Corporation sues Garces, a former employee, for business libel, a tort claim. The suit is brought in federal court, and alleges that Garces falsely reported to a federal agency that Consolidated was using watered-down concrete on a federal construction project. Garces answers, admitting that he had made a report to the agency, but alleging that his report was protected by the First Amendment to the United States Constitution, which guarantees the right of free speech. He also files a counterclaim against Consolidated, based on the Federal Whistleblower Act, which authorizes damages for anyone who is dismissed or disciplined for reporting fraud on the federal government. After answering the complaint, Garces moves to dismiss for lack of subject matter jurisdiction. (Assume that there is no jurisdiction based on diversity.) The motion should be  Options:  A. granted, because the court lacks subject matter jurisdiction over the case.  B. denied, because the complaint alleges that Garces reported the violations to a federal agency.  C. denied, because the case involves a question arising under the Constitution of the United States.  D. denied, because Garces’s counterclaim arises under federal law.  E. denied, because Garces waived his objection to jurisdiction by answering the complaint and asserting a counterclaim against Consolidated.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  While it might make sense to allow federal jurisdiction whenever an issue of federal law is raised in a suit, this has not been the Supreme Court’s interpretation of the arising-under statute. Under Mottley, we don’t consider federal questions injected into the case by the defendant. Consequently, C is wrong; the fact that the case involves a federal question isn’t enough to satisfy Mottley. We need to look at the plaintiff’s claim only. Here, the law that creates Consolidated’s right to sue is libel law, which is state tort law; the federal law issue only enters the case as a defense. D is wrong for the same reason. Just as we don’t consider federal defenses raised in the answer, we don’t consider counterclaims (that is, claims for relief asserted by the defendant against the plaintiff) in assessing arising-under jurisdiction. One irony here is that Garces could just as well have been the plaintiff in this dispute. Both parties had claims against the other. If Garces had filed suit first, his claim under the Federal Whistleblower Act would have supported federal arising-under jurisdiction. But he didn’t file first, and under Mottley the court will only consider Consolidated’s claim in assessing its jurisdiction. Consequently, Garces will end up litigating his federal law defense and counterclaim in state court. A is the correct answer. When I test this issue, I always like to have one choice in which there’s a vague federal presence that is not directly the source of the claims in the action. Here, B is wrong because the fact that the report was made to a federal agency doesn’t mean that Consolidated’s claim arises under federal law. There’s a vague federal flavor here, but if we ask what Consolidated is suing Garces for, the answer is, for libel, a claim arising under state law. Under Mottley, such peripheral involvement of federal law will not suffice to support jurisdiction. See, however, Section C below, which illustrates a situation in which a federal issue embedded in a state claim may support jurisdiction. E is emphatically wrong, because an objection to subject matter jurisdiction may be raised at any time during the case. If the court lacks subject matter jurisdiction over a case, it must dismiss, even if the defendant wants the court to hear it, asserts her defenses and counterclaims, and proceeds to litigate there. Mottley, in which the parties litigated to judgment in the trial court and appealed, illustrates the point. Although the parties wanted the Court to reach the merits, it dismissed because the federal trial court lacked subject matter jurisdiction over the case. |
| **Mistral-7B Analysis** [1] The first step in determining the correct answer is to understand the legal context provided, which emphasizes that a case only "arises under" federal law if the plaintiff relies on federal law as the source of her right to relief. In this case, Consolidated Corporation is suing Garces for business libel, a state law tort claim. Therefore, the plaintiff is not relying on federal law as the basis for its claim.  [2] The next step is to consider the defendant's motion to dismiss for lack of subject matter jurisdiction. The defendant argues that the court lacks jurisdiction because the case does not "arise under" federal law.  [3] Based on the legal context and the facts of the case, the correct answer is [A]. The court lacks subject matter jurisdiction over the case because the plaintiff's claim does not arise under federal law. The defendant's report to a federal agency and his counterclaim based on the Federal Whistleblower Act do not change this fact. The plaintiff's claim is a state law tort claim, and the defendant's federal law defenses and counterclaim do not transform it into a federal question case.  [Final Answer: A] |
| **Llama 3-8b Analysis:**  Here is the response:  \*\*Explanation of legal reasoning:\*\*  1. The case involves a tort claim (business libel) which is a state law claim.  2. The plaintiff, Consolidated Corporation, does not rely on federal law as the source of their right to relief.  3. The defendant, Garces, answers the complaint and raises a defense based on the First Amendment to the United States Constitution, which is a federal issue.  4. However, this defense does not change the fact that the original claim is a state law claim.  5. Garces also files a counterclaim under the Federal Whistleblower Act, which is a federal law claim.  6. However, the court's subject matter jurisdiction is determined based on the plaintiff's complaint, not the defendant's answer or counterclaim.  \*\*Final Answer:\*\*  A. granted, because the court lacks subject matter jurisdiction over the case.  The court lacks subject matter jurisdiction because the original claim is a state law claim, and the plaintiff does not rely on federal law as the source of their right to relief. Although a federal issue is raised in the defense and counterclaim, this does not change the fact that the case does not "arise under" federal law. Therefore, the motion to dismiss for lack of subject matter jurisdiction should be granted. |
| **GPT-3.5-turbo Analysis:**  1. Garces moved to dismiss for lack of subject matter jurisdiction after answering the complaint and asserting a counterclaim based on federal law.  2. The Mottley rule states that a case only “arises under” federal law if the plaintiff relies on federal law as the source of her right to relief.  3. In this case, Consolidated Corporation sued Garces for business libel, a tort claim, not based on federal law.  4. Garces, in his answer, raised a defense based on the First Amendment to the United States Constitution and filed a counterclaim based on the Federal Whistleblower Act, both federal laws.  5. Therefore, Garces's counterclaim arises under federal law, and the court should deny the motion to dismiss for lack of subject matter jurisdiction.  Final Answer: D. denied, because Garces’s counterclaim arises under federal law. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the Mottley Rule\*\*: The Mottley rule establishes that a federal court has jurisdiction over a case only if the plaintiff's claim itself arises under federal law. This means the plaintiff must base their right to relief on federal law for the case to be heard in federal court.  2. \*\*Analyzing the Plaintiff's Claim\*\*: In this scenario, Consolidated Corporation's claim against Garces is for business libel, which is a state tort claim. The claim does not inherently rely on federal law for the basis of the relief sought.  3. \*\*Considering the Defendant's Response\*\*: Garces's answer and the assertion of a First Amendment defense introduce a federal issue. However, under the Mottley rule, the introduction of a federal issue in the defense does not confer federal question jurisdiction if the initial claim did not arise under federal law.  4. \*\*Examining the Counterclaim\*\*: Garces files a counterclaim under the Federal Whistleblower Act, which is a federal statute. This counterclaim does indeed arise under federal law.  5. \*\*Jurisdiction Based on Counterclaim\*\*: Federal courts can have supplemental jurisdiction over claims that are related to claims in the action which the court has original jurisdiction. Since Garces’s counterclaim arises under federal law, the court has original jurisdiction over the counterclaim and could potentially exercise supplemental jurisdiction over the related libel claim.  6. \*\*Assessing the Motion to Dismiss\*\*: Garces moves to dismiss for lack of subject matter jurisdiction. Given that his counterclaim arises under federal law, and considering the potential for supplemental jurisdiction over the libel claim, dismissing the case for lack of subject matter jurisdiction would be inappropriate.  [Final Answer with the correct option]  D. denied, because Garces’s counterclaim arises under federal law. |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. The case involves a federal issue, as Garces reported the violations to a federal agency.  2. The plaintiff, Consolidated Corporation, is suing for business libel, a state law claim.  3. The defendant, Garces, raises a defense based on federal law, specifically the First Amendment to the United States Constitution.  4. Garces also files a counterclaim against Consolidated, based on the Federal Whistleblower Act, which is a federal law.  5. According to the Mottley rule, a case only 'arises under' federal law if the plaintiff relies on federal law as the source of her right to relief. In this case, the plaintiff is relying on a state law claim.  6. However, the defendant's counterclaim arises under federal law, which could potentially give the federal court subject matter jurisdiction.  [Final Answer with the correct option]  D. denied, because Garces’s counterclaim arises under federal law. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The key issue in this case is whether the federal court has subject matter jurisdiction over the case. The plaintiff, Consolidated Corporation, has brought a state law claim for business libel against Garces.  2. According to the Mottley rule, a case only "arises under" federal law if the plaintiff relies on federal law as the source of her right to relief. In this case, Consolidated Corporation's claim is based on state law, not federal law.  3. Although Garces's answer raises a defense based on the First Amendment to the United States Constitution, which is a federal issue, this does not change the fact that the plaintiff's claim is based on state law. Under the Mottley rule, the court's subject matter jurisdiction is assessed based on the plaintiff's complaint, not the defendant's answer.  4. Garces's counterclaim, which is based on the Federal Whistleblower Act, is a federal law claim. However, the Mottley rule is clear that the court's subject matter jurisdiction is determined by the plaintiff's complaint, not the defendant's counterclaim.  5. The fact that Garces answered the complaint and asserted a counterclaim against Consolidated does not waive his objection to jurisdiction. A party can raise a jurisdictional objection at any time during the litigation.  6. Therefore, the court lacks subject matter jurisdiction over the case because the plaintiff's claim does not "arise under" federal law.  Final Answer: A |
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| **Human Annotator Analysis of Mistral-7b:**  [1] The first step in determining the correct answer is to understand the legal context provided, which emphasizes that a case only "arises under" federal law if the plaintiff relies on federal law as the source of her right to relief. In this case, Consolidated Corporation is suing Garces for business libel, a state law tort claim. Therefore, the plaintiff is not relying on federal law as the basis for its claim.  (Correct)  [2] The next step is to consider the defendant's motion to dismiss for lack of subject matter jurisdiction. The defendant argues that the court lacks jurisdiction because the case does not "arise under" federal law.  (Correct)  [3] Based on the legal context and the facts of the case, the correct answer is [A]. The court lacks subject matter jurisdiction over the case because the plaintiff's claim does not arise under federal law. The defendant's report to a federal agency and his counterclaim based on the Federal Whistleblower Act do not change this fact. The plaintiff's claim is a state law tort claim, and the defendant's federal law defenses and counterclaim do not transform it into a federal question case.  [Final Answer: A]  (Correct conclusion due to correct premises, the logical reasoning puts forward the correct premises and hence arrives at the correct conclusions) |
| **Human Annotator Analysis of Llama 3-8b:**  Here is the response:  \*\*Explanation of legal reasoning:\*\*  1. The case involves a tort claim (business libel) which is a state law claim.(Correct)  2. The plaintiff, Consolidated Corporation, does not rely on federal law as the source of their right to relief.(Correct)  3. The defendant, Garces, answers the complaint and raises a defense based on the First Amendment to the United States Constitution, which is a federal issue.(Correct)  4. However, this defense does not change the fact that the original claim is a state law claim.(Correct)  5. Garces also files a counterclaim under the Federal Whistleblower Act, which is a federal law claim.(Correct)  6. However, the court's subject matter jurisdiction is determined based on the plaintiff's complaint, not the defendant's answer or counterclaim.(Correct)  \*\*Final Answer:\*\*  A. granted, because the court lacks subject matter jurisdiction over the case.  The court lacks subject matter jurisdiction because the original claim is a state law claim, and the plaintiff does not rely on federal law as the source of their right to relief. Although a federal issue is raised in the defense and counterclaim, this does not change the fact that the case does not "arise under" federal law. Therefore, the motion to dismiss for lack of subject matter jurisdiction should be granted.  Annotator Remarks:  The LLM has deduced the correct conclusion from the correct premises. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. Garces moved to dismiss for lack of subject matter jurisdiction after answering the complaint and asserting a counterclaim based on federal law. (Correct)  2. The Mottley rule states that a case only “arises under” federal law if the plaintiff relies on federal law as the source of her right to relief. (Correct)  3. In this case, Consolidated Corporation sued Garces for business libel, a tort claim, not based on federal law. (Correct)  4. Garces, in his answer, raised a defense based on the First Amendment to the United States Constitution and filed a counterclaim based on the Federal Whistleblower Act, both federal laws. (Correct)  5. Therefore, Garces's counterclaim arises under federal law, and the court should deny the motion to dismiss for lack of subject matter jurisdiction. (Incorrect)  (Misinterpretation) - Although a federal issue is raised in the defense and counterclaim, the case does not “arise under” federal law as the original claim is a state law claim, and the plaintiff does not rely on federal law as their source of right to relief.  Final Answer: D. denied, because Garces’s counterclaim arises under federal law.  **(Wrong Conclusion from False Premise)** |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the Mottley Rule\*\*: The Mottley rule establishes that a federal court has jurisdiction over a case only if the plaintiff's claim itself arises under federal law. This means the plaintiff must base their right to relief on federal law for the case to be heard in federal court. (Correct)  2. \*\*Analyzing the Plaintiff's Claim\*\*: In this scenario, Consolidated Corporation's claim against Garces is for business libel, which is a state tort claim. The claim does not inherently rely on federal law for the basis of the relief sought. (Correct)  3. \*\*Considering the Defendant's Response\*\*: Garces's answer and the assertion of a First Amendment defense introduce a federal issue. However, under the Mottley rule, the introduction of a federal issue in the defense does not confer federal question jurisdiction if the initial claim did not arise under federal law. (Correct)  4. \*\*Examining the Counterclaim\*\*: Garces files a counterclaim under the Federal Whistleblower Act, which is a federal statute. This counterclaim does indeed arise under federal law.  5. \*\*Jurisdiction Based on Counterclaim\*\*: Federal courts can have supplemental jurisdiction over claims that are related to claims in the action which the court has original jurisdiction. Since Garces’s counterclaim arises under federal law, the court has original jurisdiction over the counterclaim and could potentially exercise supplemental jurisdiction over the related libel claim.  6. \*\*Assessing the Motion to Dismiss\*\*: Garces moves to dismiss for lack of subject matter jurisdiction. Given that his counterclaim arises under federal law, and considering the potential for supplemental jurisdiction over the libel claim, dismissing the case for lack of subject matter jurisdiction would be inappropriate.  [Final Answer with the correct option]  D. denied, because Garces’s counterclaim arises under federal law. |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The case involves a federal issue, as Garces reported the violations to a federal agency. (Misinterpretation) - The involvement of a federal agency does not make the case involve a federal issue. A federal law must be involved for the case to be a federal issue.  2. The plaintiff, Consolidated Corporation, is suing for business libel, a state law claim. (Correct)  3. The defendant, Garces, raises a defense based on federal law, specifically the First Amendment to the United States Constitution. (Correct)  4. Garces also files a counterclaim against Consolidated, based on the Federal Whistleblower Act, which is a federal law. (Correct)  5. According to the Mottley rule, a case only 'arises under' federal law if the plaintiff relies on federal law as the source of her right to relief. In this case, the plaintiff is relying on a state law claim. (Correct)  6. However, the defendant's counterclaim arises under federal law, which could potentially give the federal court subject matter jurisdiction. (Misinterpretation) - This premise fails to take the previous premise into account, which states that subject matter jurisdiction under Mottley is only valid if the plaintiff’s claim relies on a federal law.  [Final Answer with the correct option]  D. denied, because Garces’s counterclaim arises under federal law.  (Wrong Conclusion from False Premise) - The misinterpretation in step 6 leads to the wrong conclusion as it says that the counterclaim can arise under federal law, which is not the case in the provided legal context. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The key issue in this case is whether the federal court has subject matter jurisdiction over the case. The plaintiff, Consolidated Corporation, has brought a state law claim for business libel against Garces. (Correct)  2. According to the Mottley rule, a case only "arises under" federal law if the plaintiff relies on federal law as the source of her right to relief. In this case, Consolidated Corporation's claim is based on state law, not federal law. (Correct)  3. Although Garces's answer raises a defense based on the First Amendment to the United States Constitution, which is a federal issue, this does not change the fact that the plaintiff's claim is based on state law. Under the Mottley rule, the court's subject matter jurisdiction is assessed based on the plaintiff's complaint, not the defendant's answer. (Correct)  4. Garces's counterclaim, which is based on the Federal Whistleblower Act, is a federal law claim. However, the Mottley rule is clear that the court's subject matter jurisdiction is determined by the plaintiff's complaint, not the defendant's counterclaim. (Correct)  5. The fact that Garces answered the complaint and asserted a counterclaim against Consolidated does not waive his objection to jurisdiction. A party can raise a jurisdictional objection at any time during the litigation. (Correct)  6. Therefore, the court lacks subject matter jurisdiction over the case because the plaintiff's claim does not "arise under" federal law. (Correct)  Final Answer: A |

### 3. Castor Chemical Company, a California company…

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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The basic standard for removal jurisdiction is simple and sensible: a defendant sued in state court may remove a case to federal court if it could have been filed originally in federal court. The rationale for removal is to give both parties access to federal court for cases within the federal court’s jurisdiction. So it makes sense that the standard for removing a case to federal court should mirror the standard for filing one in federal court to begin with. So, 28 U.S.C. §1441(a) provides that ‘‘any civil action brought in a State court of which the district courts of the United States have original jurisdiction’’ may be removed to federal court. Consequently, the first question to ask in analyzing a removal problem is whether the claim asserted by the plaintiff fits into some category of federal jurisdiction. Is it a diversity case, or an arising-under case? A case between a citizen and foreign citizen, or some other case provided for in Article III, §2? If not, it can’t be removed. If it is, then, with a few minor exceptions, it can be. Here’s a first example to illustrate this relation between original and removal jurisdiction.  Question:  Castor Chemical Company, a California company, sues Pollux, from California, in state court for breach of contract, claiming that Pollux agreed to manufacture a drug for Castor and then reneged. Pollux answers the complaint, admitting that he refused to deliver the drug, and offering as an affirmative defense that he learned, after making the contract, that the drug was covered by a patent, so that, under federal patent law, he could not manufacture it without a license to do so. After answering, Pollux removed the action to federal court.  Options:  A. The action is properly removed, because at the time he was removed, Pollux had raised a federal law issue in his answer.  B. The action is properly removed, because the case ‘‘arises under’’ federal law within the meaning of that phrase in Article III, §2.  C. The action is not properly removed, because it is a federal question case, not a diversity case.  D. The action is not properly removed, because the case does not ‘‘arise under’’ federal law within the meaning of 28 U.S.C. §1331.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis** The third choice, C, is particularly illogical. Under 28 U.S.C. §1441(a), cases may be removed to federal court if they are within the original jurisdiction of the federal courts. Cases arising under federal law are within the federal courts’ jurisdiction, so they, like diversity cases, may be removed under §1441(a). The other three options are closer. A appears to rest on the premise that a case may be removed whenever it is clear that a federal issue will be litigated in the action. But that isn’t the standard under §1441(a); under that section, the case can only be removed if it could have been filed originally in federal court. As we belabored in the previous chapter, many cases that involve federal law cannot be filed in federal court. Witness poor Erasmus and Annie Mottley’s case. The test for removal is whether the plaintiff could have filed the case initially in federal court, not whether some federal issue is likely to arise or has arisen in the action. This case could not have been filed in federal court, for the same reason that the Mottleys’ action was thrown out by the Supreme Court: it arises under state contract law. There’s a difference between this example and Mottley, however. Here, at the time of removal, the defendant had actually asserted the federal defense in his answer. Thus, the federal issue is already in the case; there is no need to speculate as to whether a federal issue will be litigated in the action. However, this does not change the result. The removal statute provides that only cases that could have been filed originally in federal court may be removed. Castor could not have filed this action in federal court, because it arises under state law and the parties are not diverse. So, the terms of the removal statute itself bar removal here. A is wrong. This point is the key to B as well. It is true that this case arises under federal law within the meaning of Article III, §2, as expounded by Chief Justice Marshall in Osborn. Pollux has injected a ‘‘federal ingredient’’ into the case by raising a federal defense. But under §1441(a) the case may only be removed if it could have been filed in federal court. And we know that to file a case in federal court, it must not only fall within the scope of the Article III grant, but must also be conveyed to the federal district court by statute. Castor’s case is within the Article III grant, but it is not within the statutory grant of arising-under jurisdiction in 28 U.S.C. §1331. Under Mottley, the plaintiff’s complaint must rely on federal law as the source of his right to relief, to ‘‘arise under’’ federal law within the meaning of §1331. The court will not look at the defendant’s answer in determining whether the claim arises under federal law. So the case could not have been brought in federal court initially, and therefore cannot be removed. D is the winner. |
| **Mistral-7B Reasoning Chain:**  1. The first step in determining whether a case can be removed to federal court is to identify whether the claim fits into any category of federal jurisdiction. In this case, the claim is for breach of contract between two California companies.  2. The federal question jurisdiction, as per 28 U.S.C. Â§1331, applies to civil actions arising under federal law. In this case, Pollux has raised a federal law issue in his answer by asserting that he could not manufacture the drug due to a patent.  3. However, the removal jurisdiction, as per 28 U.S.C. Â§1441(a), applies to civil actions brought in state court that have original jurisdiction in federal courts.  4. In this case, the claim is not originally brought in federal court, but rather in state court. Therefore, even though a federal law issue has been raised, the case cannot be removed based on federal question jurisdiction alone.  5. The correct answer is D: The action is not properly removed, because the case does not arise under federal law within the meaning of 28 U.S.C. Â§1331. |
| **Llama 3-8b Analysis**  Here is my response:  \*\*Legal Reasoning:\*\*  1. The first step in analyzing a removal problem is to determine whether the claim asserted by the plaintiff fits into some category of federal jurisdiction.  2. In this case, the plaintiff, Castor Chemical Company, is suing the defendant, Pollux, for breach of contract in state court.  3. The defendant, Pollux, has raised a federal law issue in his answer, claiming that he learned, after making the contract, that the drug was covered by a patent, so that, under federal patent law, he could not manufacture it without a license to do so.  4. This federal law issue is a crucial part of the defense, and it is raised in response to the plaintiff's claim.  5. Therefore, the case "arises under" federal law within the meaning of Article III, §2, and 28 U.S.C. §1331.  \*\*Final Answer:\*\*  B. The action is properly removed, because the case "arises under" federal law within the meaning of that phrase in Article III, §2. |
| **GPT-3.5-turbo Analysis:**  1. The case involves a breach of contract claim by Castor Chemical Company against Pollux, a California company, in state court. Pollux raised a federal law issue in his answer, specifically citing federal patent law as the reason for not delivering the drug. This federal law issue is relevant to the case.  2. The case 'arises under' federal law within the meaning of that phrase in Article III, §2 because Pollux's defense is based on federal patent law, which is a federal question. This falls under federal jurisdiction.  3. Therefore, the correct option is B. The action is properly removed, because the case “arises under” federal law within the meaning of that phrase in Article III, §2. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the Basis for Federal Jurisdiction\*\*: The first step in determining whether a case can be removed to federal court is to establish whether the federal court has original jurisdiction over the case. According to 28 U.S.C. §1441(a), a case can only be removed if it could have originally been filed in federal court.  2. \*\*Analyzing the Type of Jurisdiction\*\*: The case involves Castor Chemical Company suing Pollux for breach of contract, which is typically a state law matter. However, Pollux raises a defense based on federal patent law, claiming he could not manufacture the drug without infringing a patent.  3. \*\*Determining 'Arising Under' Federal Law\*\*: For a case to 'arise under' federal law (28 U.S.C. §1331), the plaintiff's original claim must establish that the case is based on federal law. Here, the original claim by Castor is for breach of contract, a state law issue. The federal issue (patent law) comes into play only as a defense by Pollux.  4. \*\*Federal Defense Does Not Create Federal Question Jurisdiction\*\*: The Supreme Court has held that a federal defense, including a defense that raises a federal statute, does not provide a basis for federal question jurisdiction. Federal jurisdiction cannot rest upon an actual or anticipated defense.  5. \*\*Conclusion on Removal\*\*: Since the case does not originally arise under federal law and is instead based on a state law claim with a federal issue introduced only in the defense, it does not meet the criteria for federal question jurisdiction under 28 U.S.C. §1331.  [Final Answer: D. The action is not properly removed, because the case does not ‘‘arise under’’ federal law within the meaning of 28 U.S.C. §1331.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The first question to ask in analyzing a removal problem is whether the claim asserted by the plaintiff fits into some category of federal jurisdiction. In this case, the plaintiff, Castor Chemical Company, sues Pollux for breach of contract, which is a state law claim.  2. The defendant, Pollux, raises a federal law issue in his answer as an affirmative defense, claiming that the drug was covered by a patent under federal patent law. However, the federal law issue is not part of the plaintiff's claim, but rather part of the defendant's defense.  3. The standard for removal jurisdiction is whether the case could have been filed originally in federal court. In this case, the plaintiff's claim is a state law claim, and the defendant's affirmative defense does not change the nature of the plaintiff's claim.  4. The case does not "arise under" federal law within the meaning of 28 U.S.C. §1331, because the federal law issue is not part of the plaintiff's well-pleaded complaint. The plaintiff's claim is a state law claim, and the defendant's affirmative defense is not sufficient to confer federal jurisdiction.  5. Therefore, the action is not properly removed, because the case does not meet the requirements for federal jurisdiction.  Final Answer: D |
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| **Human Annotator Analysis of Mistral-7B:**  1. The first step in determining whether a case can be removed to federal court is to identify whether the claim fits into any category of federal jurisdiction (1). In this case, the claim is for breach of contract between two California companies. (2)  (1)-(Misinterpretation) - It should have mentioned the fact that the condition for removal to federal court specifically depends on the plaintiff’s claim, not the claim in general. (Contextual Misinterpretation)  (2)-(Hallucination) - The breach of contract is between a person and a company.  2. The federal question jurisdiction, as per 28 U.S.C. §1331, applies to civil actions arising under federal law. In this case, Pollux has raised a federal law issue in his answer by asserting that he could not manufacture the drug due to a patent. (Correct)  Both the sentences in this point are correct, but seem to be going in the wrong direction, as if indicating Pollux’s invocation of the federal law will automatically make the case ‘arise’ under the federal law and shall have jurisdiction in federal court when the action brought by the plaintiff is actually a state law and can not be initially filed in the federal court.  Annotator remarks 1: 28 U.S.C. §1331 is nowhere mentioned in the legal context, LLM got its knowledge from its inherent parameters.  Annotator remarks 2: (28 U.S.C. §1441(a) provides that ‘‘any civil action brought in a State court of which the district courts(federal courts) of the United States have original jurisdiction’’ may be removed to federal court).  3. However, the removal jurisdiction, as per 28 U.S.C. §1441(a), applies to civil actions brought in state court that have original jurisdiction in federal courts. (Correct)  4. In this case, the claim is not originally brought in federal court, but rather in state court. Therefore, even though a federal law issue has been raised, the case cannot be removed based on federal question jurisdiction alone.  (Misinterpretation) - The actual reason for why the case can not be removed to the federal court is that the plaintiff has invoked a state law tort in the claim and hence a federal court has no jurisdiction on this case even though the defendant raises a federal law issue. The correct standard is whether the plaintiff's original claim arises under federal law, not whether a federal issue is raised in the defense. (False Cause)  5. The correct answer is D: The action is not properly removed, because the case does not arise under federal law within the meaning of 28 U.S.C. Â§1331. (Correct Conclusion from False Premises)  **(Both entities in same state jurisdiction -> Here, defendant is raising the federal jurisdiction claim-> Motley’s ‘arise under’ won’t apply (it only applies when plaintiff does that) -> Case can not be removed to Federal court)** |
| **Human Annotator Analysis of Llama 3-8b:**  Here is my response:  \*\*Legal Reasoning:\*\*  1. The first step in analyzing a removal problem is to determine whether the claim asserted by the plaintiff fits into some category of federal jurisdiction.(Correct)  2. In this case, the plaintiff, Castor Chemical Company, is suing the defendant, Pollux, for breach of contract in state court.(Correct)  3. The defendant, Pollux, has raised a federal law issue in his answer, claiming that he learned, after making the contract, that the drug was covered by a patent, so that, under federal patent law, he could not manufacture it without a license to do so.(Correct)  4. This federal law issue is a crucial part of the defense, and it is raised in response to the plaintiff's claim.(Correct)  5. Therefore, the case "arises under" federal law within the meaning of Article III, §2, and 28 U.S.C. §1331.(Incorrect)(Wrong Conclusion from Correct Premises)The LLM incorrectly deduces that Castor’s case is within the statutory grant of arising-under jurisdiction in 28 U.S.C. §1331. The LLM has made a false assumption disregarding the previous true assumptions.  \*\*Final Answer:\*\*  B. The action is properly removed, because the case "arises under" federal law within the meaning of that phrase in Article III, §2. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The case involves a breach of contract claim by Castor Chemical Company against Pollux, a California company, in state court. Pollux raised a federal law issue in his answer, specifically citing federal patent law as the reason for not delivering the drug. This federal law issue is relevant to the case. (Incorrect) (Hallucination) - The identification of the issue at hand is correct, however, Pollux is not a company, it is a person.  2. The case 'arises under' federal law within the meaning of that phrase in Article III, §2 because Pollux's defense is based on federal patent law, which is a federal question. This falls under federal jurisdiction. (Incorrect) (Misinterpretation) - It is Castor’s claim which should arise under federal jurisdiction by federal law whereas it is a state claim.  3. Therefore, the correct option is B. The action is properly removed, because the case “arises under” federal law within the meaning of that phrase in Article III, §2. (Incorrect)  (Wrong Conclusion from False Premise) - Under Mottley (which this case follows), the plaintiff’s complaint must rely on federal law as the source of his right to relief, to ‘‘arise under’’ federal law within the meaning of §1331. The court will not look at the defendant’s answer in determining whether the claim arises under federal law. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the Basis for Federal Jurisdiction\*\*: The first step in determining whether a case can be removed to federal court is to establish whether the federal court has original jurisdiction over the case. According to 28 U.S.C. §1441(a), a case can only be removed if it could have originally been filed in federal court. (Correct)  2. \*\*Analyzing the Type of Jurisdiction\*\*: The case involves Castor Chemical Company suing Pollux for breach of contract, which is typically a state law matter. However, Pollux raises a defense based on federal patent law, claiming he could not manufacture the drug without infringing a patent. (Correct)  3. \*\*Determining 'Arising Under' Federal Law\*\*: For a case to 'arise under' federal law (28 U.S.C. §1331), the plaintiff's original claim must establish that the case is based on federal law. Here, the original claim by Castor is for breach of contract, a state law issue. The federal issue (patent law) comes into play only as a defense by Pollux. (Correct) But §1331 is not mentioned in the legal context or question.  4. \*\*Federal Defense Does Not Create Federal Question Jurisdiction\*\*: The Supreme Court has held that a federal defense, including a defense that raises a federal statute, does not provide a basis for federal question jurisdiction. Federal jurisdiction cannot rest upon an actual or anticipated defense. (Correct)  5. \*\*Conclusion on Removal\*\*: Since the case does not originally arise under federal law and is instead based on a state law claim with a federal issue introduced only in the defense, it does not meet the criteria for federal question jurisdiction under 28 U.S.C. §1331. (Correct)  [Final Answer: D. The action is not properly removed, because the case does not ‘‘arise under’’ federal law within the meaning of 28 U.S.C. §1331.] (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The case was initially filed in state court by Castor Chemical Company against Pollux for breach of contract. (Correct)  2. Pollux admitted to the breach but raised a federal law issue as an affirmative defense, claiming that the drug was covered by a patent and he could not manufacture it without a license under federal patent law. (Correct)  3. The removal jurisdiction standard requires that a case can be removed to federal court if it could have been filed originally in federal court. (Correct)  4. The federal law issue raised by Pollux pertains to federal patent law, which falls under federal question jurisdiction. (Irrelevant Premise) - The issue raised by Pollux is irrelevant to the question, as the case was initially filed by Castor Chemical Company, so it is their issues that should be considered for removal jurisdiction.  5. Federal question jurisdiction is one of the categories of federal jurisdiction, as provided for in Article III, §2. (Irrelevant Premise) - This premise continues answering the wrong question, providing information relating to the issue raised by Pollux instead of Castor Chemical Company’s claims. Also, this is not mentioned in the legal context or question, so Phi-3 must have extracted it from its parametric knowledge..  6. Therefore, the case 'arises under' federal law within the meaning of that phrase in Article III, §2. (Misinterpretation) - This premise decides the properties of the case using Pollux’s answer to the claim, not the original claim itself. Federal removal jurisdiction applies only to the original claim, not any answers, defenses, or counterclaims.  [Final Answer with the correct option]  B. The action is properly removed, because the case ‘‘arises under’’ federal law within the meaning of that phrase in Article III, §2.  (Wrong Conclusion from Wrong Premises) - The irrelevant premises in premises 4 and 5 distract the reasoning from the question that needs to be solved, culminating in the misinterpretation in premise 6, where the reasoning about the removal of the case is done incorrectly, leading to the wrong answer. |
| **Human Annotator analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The first question to ask in analyzing a removal problem is whether the claim asserted by the plaintiff fits into some category of federal jurisdiction. In this case, the plaintiff, Castor Chemical Company, sues Pollux for breach of contract, which is a state law claim. (Correct)  2. The defendant, Pollux, raises a federal law issue in his answer as an affirmative defense, claiming that the drug was covered by a patent under federal patent law. However, the federal law issue is not part of the plaintiff's claim, but rather part of the defendant's defense. (Correct)  3. The standard for removal jurisdiction is whether the case could have been filed originally in federal court. In this case, the plaintiff's claim is a state law claim, and the defendant's affirmative defense does not change the nature of the plaintiff's claim. (Correct)  4. The case does not "arise under" federal law within the meaning of 28 U.S.C. §1331, because the federal law issue is not part of the plaintiff's well-pleaded complaint. The plaintiff's claim is a state law claim, and the defendant's affirmative defense is not sufficient to confer federal jurisdiction. (Correct)  5. Therefore, the action is not properly removed, because the case does not meet the requirements for federal jurisdiction. (Correct)  Final Answer: D |

### 4. Neff hired Mitchell, a lawyer,...

| **4.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The early law of personal jurisdiction, represented by Pennoyer v. Neff, 95 U.S. 714 (1877), based personal jurisdiction on physical power over the defendant, at least in cases against individuals. The logic was that a court had the authority to exert physical power over a defendant within the territory of the state where the court sat. The court could order a sheriff to seize and detain the defendant if he found her within the state. So, the logic proceeded, if the sheriff asserted that authority symbolically (refers to the act of Sheriff serving legal documents to the defendant), by serving the defendant with process in the state, rather than actually arresting her, the court would acquire jurisdiction to adjudicate the claim and could enter a judgment against her if she were found liable (This means that the defendant was served legal papers (such as a summons and complaint) when he/she was within the geographic boundaries of the state. When this service is done within the state, it typically establishes the court’s personal jurisdiction over the defendant.). Here’s a quick example to illustrate Pennoyer’s ‘‘presence theory’’ of personal jurisdiction.  Question:  Neff hired Mitchell, a lawyer, in Oregon to sue Jones for breach of contract. Neff agreed to pay Mitchell $300 for his services. Mitchell did the work, but Neff left the state for California and didn’t pay Mitchell’s fee. Mitchell sues Neff for his fee in an Oregon state court, and has Neff served with process in Oregon while Neff was visiting there on unrelated business. Neff promptly departed once more for California and has not returned to the state since. Under personal jurisdiction theory as expounded in Pennoyer, the Oregon court  Options:  A. has personal jurisdiction over Neff.  B. does not have personal jurisdiction over Neff, because he was served while he was there for a purpose unrelated to the fees claim.  C. does not have jurisdiction over Neff, because he is no longer physically present in Oregon.  D. has jurisdiction over Neff for the fees claim, but would not have jurisdiction over him if Mitchell had sued him for a claim that arose in another state.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  This question makes the basic point about Pennoyer: that jurisdiction was acquired by the symbolic act of in-state service of process, and that once in-state service was made, the court acquired the power to adjudicate the case for which process was served. The distractors reflect various misconceptions about this principle. C suggests that, for the court to litigate the case, the defendant must not only have been served with process in the state, but remain in the state while the case proceeded. Not so. The logic of Pennoyer was that a defendant within the state was subject to the sheriff’s (and the court’s) power to arrest. Under early English practice, the local sheriff may actually have arrested the defendant and held her pending resolution of the case, or at least had the power to do so. Later, actual arrest of the defendant gave way to symbolic seizure, through personal delivery of the court papers in the suit. However, the premise was that this symbolic seizure subjected the defendant to the court’s authority, not just at the moment of service, but on an ongoing basis. The court’s power, once properly asserted by service of process within the forum state, continued throughout the litigation. Neff could leave after he was served if he wanted, but that would not prevent the court from proceeding with the case once it had acquired jurisdiction. B fails as well. It suggests that Neff could only be subjected to jurisdiction through in-state service if he was in the state for some reason connected to the plaintiff’s claim. But the logic of Pennoyer was that a defendant present within the forum state was subject to the authority of that state’s courts, without regard to why he was there. Jurisdiction was based on symbolic arrest, not on any relationship between Neff’s reason for being in Oregon and the lawsuit. He could be there to play the lottery, to visit the zoo, or to be inaugurated as governor; it wouldn’t matter. His presence when served was the key, not the reason for that presence. D also comes up short. It suggests that jurisdiction could be based on service of process in the state, but that the court would only acquire jurisdiction by in-state service to adjudicate claims that arose within the state. This is another misconception. If Mitchell filed suit in Oregon, and served Neff with the papers for that suit in Oregon, it didn’t matter what the claim was for. It could be for an auto accident in Maine, a property dispute in Texas, or lies told about him in Minnesota. Jurisdiction was not based on any relation between the claim and the state; it was based on the premise that the court could exert judicial power over a person physically present there. (After all, if Neff never came back to Oregon, Mitchell would have to sue him in California under Pennoyer’s approach, and the California court would then exercise jurisdiction over Neff, even though the claim Mitchell sued upon arose in Oregon.) So A is the winner. If Mitchell managed to serve Neff with the papers initiating the suit in Oregon, under Pennoyer the Oregon court obtained jurisdiction over Neff for that suit, and leaving wouldn’t deprive the court of authority to proceed. Once jurisdiction attached, it continued, even though the sheriff, after ‘‘catching’’ Neff in the state, let him go. |
| **Mistral-7B Analysis**  [1] The legal context provided describes the "presence theory" of personal jurisdiction as established in the case of Pennoyer v. Neff. This theory holds that a court has personal jurisdiction over a defendant if the defendant is physically present within the state where the court sits, allowing the court to exert its power over the defendant.  [2] In the given scenario, Neff was served with process while he was in Oregon for unrelated business. However, he left the state immediately after being served and has not returned since.  [3] Based on the "presence theory" of personal jurisdiction, the Oregon court would not have jurisdiction over Neff simply because he was served with process while in the state, as the court's power extends only to those physically present within its jurisdiction.  [4] Therefore, the correct answer is B. The Oregon court does not have personal jurisdiction over Neff because he was served while he was in the state for a purpose unrelated to the fees claim. |
| **Llama 3-8b Analysis**  Here's my response:  \*\*Explanation of legal reasoning:\*\*  1. The Pennoyer v. Neff case established that personal jurisdiction is based on physical power over the defendant, at least in cases against individuals.  2. The court's authority to exert physical power over a defendant is limited to the territory of the state where the court sits.  3. In this case, Neff was served with process in Oregon while he was visiting the state on unrelated business.  4. Since Neff was physically present in Oregon when served, the court has the authority to exert physical power over him, symbolically represented by serving him with process.  5. Therefore, under the Pennoyer 'presence theory' of personal jurisdiction, the Oregon court has jurisdiction over Neff.  \*\*Final Answer:\*\*  A. has personal jurisdiction over Neff. |
| **GPT-3.5-turbo Analysis:**  1. Neff was served with process in Oregon while he was physically present in the state, even though it was for an unrelated purpose to the fees claim. This aligns with the 'presence theory' of personal jurisdiction as established in Pennoyer v. Neff.  2. The court acquired jurisdiction over Neff by serving him with process while he was physically present in Oregon, regardless of the purpose of his visit.  3. Neff's physical presence in Oregon at the time of service establishes personal jurisdiction for the fees claim, even if he has since left the state.  Final Answer: A. has personal jurisdiction over Neff. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding Pennoyer v. Neff\*\*: The ruling in Pennoyer v. Neff established that personal jurisdiction is based on the physical presence of the defendant within the state at the time of service. The court's authority to adjudicate a claim against a defendant hinges on the ability to exert physical power over that defendant within the state's territory.  2. \*\*Application to the Current Scenario\*\*: In this case, Neff was physically present in Oregon when he was served with process by Mitchell. According to Pennoyer, the critical factor for establishing personal jurisdiction is the defendant's presence in the state at the time of service, regardless of the duration of that presence or the purpose of the visit.  3. \*\*Irrelevance of Purpose of Visit\*\*: The purpose of Neff's visit to Oregon (unrelated business) does not affect the jurisdiction, as the key factor under Pennoyer is simply his presence in the state when served. The nature of his visit or his subsequent departure does not negate the jurisdiction established at the time of service.  4. \*\*Continued Jurisdiction Post-Service\*\*: Once served within the state, the court maintains jurisdiction over Neff for the duration of the legal proceedings concerning the claim for which he was served, even if he leaves the state afterward.  5. \*\*Specificity of the Claim\*\*: The claim for which Neff was sued (non-payment of legal fees to Mitchell) arose from a contract made and executed in Oregon, further solidifying the Oregon court's jurisdiction over this matter.  [Final Answer: A. has personal jurisdiction over Neff.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The case of Pennoyer v. Neff (1877) established the "presence theory" of personal jurisdiction, which holds that a court has personal jurisdiction over a defendant if the defendant is physically present within the state where the court sits.  2. In this scenario, Neff was served with process in Oregon while he was visiting the state on unrelated business. This means that Neff was physically present in Oregon at the time of service.  3. According to the "presence theory," the fact that Neff was physically present in Oregon at the time of service is sufficient to establish personal jurisdiction over him, regardless of the purpose of his visit or whether he has since left the state.  4. The theory does not require that the defendant's presence in the state be related to the claim being sued upon. As long as the defendant is physically present, the court can assert jurisdiction.  5. Similarly, the fact that Neff has since left the state does not affect the court's jurisdiction over him. The "presence theory" only requires that the defendant be physically present at the time of service, not that he remain in the state throughout the litigation.  6. Options B and C are incorrect because they impose additional requirements that are not part of the "presence theory" of personal jurisdiction. Option D is also incorrect because the "presence theory" does not distinguish between claims that arose in the state and claims that arose elsewhere.  Final Answer: A |
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| Human Annotator Analysis of Mistral-7B:  [1] The legal context provided describes the "presence theory" of personal jurisdiction as established in the case of Pennoyer v. Neff. This theory holds that a court has personal Jurisdiction over a defendant if the defendant is physically present within the state where the court sits, allowing the court to exert its power over the defendant. (Cherry Picking) - Key element missing: No mention of the court serving the defendant with a legal notice, which is important to establish personal jurisdiction. This aspect has been mentioned in the legal context, although not clearly.  [2] In the given scenario, Neff was served with process while he was in Oregon for unrelated business. However, he left the state immediately after being served and has not returned since. (Irrelevant Premise) - The second sentence regarding Neff’s whereabouts, after the service of legal notice, does not matter anymore. The personal jurisdiction under ‘Presence theory’ has been established. Similarly Neff’s purpose of visit does not matter to the court.  [3] Based on the "presence theory" of personal jurisdiction, the Oregon court would not have jurisdiction over Neff simply because he was served with process while in the state, as the court's power extends only to those physically present within its jurisdiction. (Misinterpretation) - Since the presence theory, in the legal context, does not state any exception once the legal notice has been served, it does not matter where the defendant is thereafter - jurisdiction applies regardless.  [4] Therefore, the correct answer is B. The Oregon court does not have personal jurisdiction over Neff because he was served while he was in the state for a purpose unrelated to the fees claim. (Wrong Conclusion from False Premise: Wrong conclusion from failure to apply the law correctly) (Error propagation from [1] and [3] to [4])  (Including the reason for Neff's presence in Oregon as a factor in determining jurisdiction, which is irrelevant under the "presence theory)  **(Once you are served with a legal notice(process), then even if you are out-of-state, the court, which served you the legal notice, has jurisdictional power over you.)** |
| **Human Annotator Analysis of Llama 3-8b:**  Here's my response:  \*\*Explanation of legal reasoning:\*\*  1. The Pennoyer v. Neff case established that personal jurisdiction is based on physical power over the defendant, at least in cases against individuals.(Correct)  2. The court's authority to exert physical power over a defendant is limited to the territory of the state where the court sits.(Correct)  3. In this case, Neff was served with process in Oregon while he was visiting the state on unrelated business.(Correct)  4. Since Neff was physically present in Oregon when served, the court has the authority to exert physical power over him, symbolically represented by serving him with process.(Correct)  5. Therefore, under the Pennoyer 'presence theory' of personal jurisdiction, the Oregon court has jurisdiction over Neff.(Correct)  \*\*Final Answer:\*\*  A. has personal jurisdiction over Neff.  Annotator remarks:  The LLM has deduced the right conclusion from the right premises. |
| **Human Annotator analysis of GPT-3.5-turbo:**  1. Neff was served with process in Oregon while he was physically present in the state, even though it was for an unrelated purpose to the fees claim. This aligns with the 'presence theory' of personal jurisdiction as established in Pennoyer v. Neff. (Correct)  2. The court acquired jurisdiction over Neff by serving him with process while he was physically present in Oregon, regardless of the purpose of his visit. (Correct)  3. Neff's physical presence in Oregon at the time of service establishes personal jurisdiction for the fees claim, even if he has since left the state. (Correct)  Final Answer: A. has personal jurisdiction over Neff. |
| **Human Annotator analysis of GPT-4-turbo:**  1. \*\*Understanding Pennoyer v. Neff\*\*: The ruling in Pennoyer v. Neff established that personal jurisdiction is based on the physical presence of the defendant within the state at the time of service. The court's authority to adjudicate a claim against a defendant hinges on the ability to exert physical power over that defendant within the state's territory. (Correct)  2. \*\*Application to the Current Scenario\*\*: In this case, Neff was physically present in Oregon when he was served with process by Mitchell. According to Pennoyer, the critical factor for establishing personal jurisdiction is the defendant's presence in the state at the time of service, regardless of the duration of that presence or the purpose of the visit. (Correct)  3. \*\*Irrelevance of Purpose of Visit\*\*: The purpose of Neff's visit to Oregon (unrelated business) does not affect the jurisdiction, as the key factor under Pennoyer is simply his presence in the state when served. The nature of his visit or his subsequent departure does not negate the jurisdiction established at the time of service. (Correct)  4. \*\*Continued Jurisdiction Post-Service\*\*: Once served within the state, the court maintains jurisdiction over Neff for the duration of the legal proceedings concerning the claim for which he was served, even if he leaves the state afterward. (Correct)  5. \*\*Specificity of the Claim\*\*: The claim for which Neff was sued (non-payment of legal fees to Mitchell) arose from a contract made and executed in Oregon, further solidifying the Oregon court's jurisdiction over this matter. (Irrelevant premise) - The content of the claim does not matter in this context.  [Final Answer: A. has personal jurisdiction over Neff.] (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The early law of personal jurisdiction, as established in Pennoyer v. Neff, is based on the physical power over the defendant within the territory of the state where the court sits. (Correct)  2. In this case, Mitchell sues Neff for his fee in an Oregon state court and serves Neff with process in Oregon while Neff was visiting there on unrelated business. (Correct)  3. According to Pennoyer's 'presence theory' of personal jurisdiction, the court acquires jurisdiction to adjudicate the claim if the defendant is served with process in the state, symbolically asserting the court's authority. (Correct)  4. Neff's physical presence in Oregon at the time of service, even though for unrelated business, satisfies the requirement for personal jurisdiction under Pennoyer's theory. (Correct)  [Final Answer with the correct option]  A. has personal jurisdiction over Neff. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The case of Pennoyer v. Neff (1877) established the "presence theory" of personal jurisdiction, which holds that a court has personal jurisdiction over a defendant if the defendant is physically present within the state where the court sits. (Correct)  2. In this scenario, Neff was served with process in Oregon while he was visiting the state on unrelated business. This means that Neff was physically present in Oregon at the time of service. (Correct)  3. According to the "presence theory," the fact that Neff was physically present in Oregon at the time of service is sufficient to establish personal jurisdiction over him, regardless of the purpose of his visit or whether he has since left the state. (Correct)  4. The theory does not require that the defendant's presence in the state be related to the claim being sued upon. As long as the defendant is physically present, the court can assert jurisdiction. (Correct)  5. Similarly, the fact that Neff has since left the state does not affect the court's jurisdiction over him. The "presence theory" only requires that the defendant be physically present at the time of service, not that he remain in the state throughout the litigation. (Correct)  6. Options B and C are incorrect because they impose additional requirements that are not part of the "presence theory" of personal jurisdiction. Option D is also incorrect because the "presence theory" does not distinguish between claims that arose in the state and claims that arose elsewhere. (Correct)  Final Answer: A |

### 5…general in personam jurisdiction…

| **5.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The previous chapter iterates, and reiterates, that jurisdiction (When we talk about "jurisdiction," we're discussing whether a court has the authority to make legal decisions about a person or company.) based on a defendant’s ‘‘minimum contacts’’ with the forum is limited to claims that arise out of those contacts. If a defendant conducts limited activities directed to the forum state (the term "forum state" refers to the state where the court is located and where the lawsuit is being filed. It's the state whose courts are being asked to exercise jurisdiction over the defendant.), it is subject to ‘‘specific’’ personal jurisdiction for claims arising out of those contacts, but not for other claims that arise in other states. However, in International Shoe the Court suggested that a defendant’s contacts in the state may sometimes be so extensive that it could be sued there for any claim against it, no matter where it arose. ‘‘[T]here have been instances in which the continuous corporate operations within a state were thought so substantial and of such a nature as to justify suit against it on causes of action arising from dealings entirely distinct from those activities.’’ 326 U.S at 318. The premise behind general in personam jurisdiction is that, where a defendant’s contacts are sufficiently extensive in the forum state, it is neither unfair nor inconvenient to require it to defend any lawsuit there, including ones that arise in other states. Thus, if International Shoe is subject to general in personam jurisdiction in Missouri, it could be sued there for unemployment taxes due in Washington, or breach of a contract in Colorado. This is analogous to general in personam jurisdiction over an individual defendant based on her domicile in the state. In Milliken v. Meyer, 311 U.S. 457 (1940), the Supreme Court affirmed that a person’s domicile is such an important connection to a state, and confers sufficient benefits, that an individual domiciled in a state may fairly be required to defend any claim in that state. Let’s start by distinguishing assertions of general in personam jurisdiction from other exercises of jurisdiction. Consider the following question.  Question:  In which of the following cases could the court rely on general in personam jurisdiction as the basis for exercising judicial authority over the defendant?  Options:  A. Johnston brings an action in New Mexico against Moreno, a Texas citizen, for breach of a contract they entered into in Texas, in which Moreno agreed to sell Johnston a painting. He obtains jurisdiction by attaching a time share Moreno owns at a condominium complex in the New Mexico mountains.  B. Truscott sues Mancini Motors, a Texas corporation that sells antique cars at its dealerships in Texas and California. Truscott sues in New Mexico, for injuries he suffered in New Mexico while driving a 1964 Ford Mustang that Mancini had advertised in New Mexico, sold to Truscott, and shipped to him in New Mexico. Truscott serves Mancini with process in the action at the Texas dealership. Mancini has no place of business in New Mexico, but sells three or four cars a year there.  C. Truscott sues Mancini Motors, the Texas antique car company, in Texas. He seeks damages for misrepresentations a Mancini salesperson made to him at a Mancini dealership in California, which led him to purchase a car at the California dealership.  D. Cartwright sues Skilful Electric Tool Company in Michigan for injuries he suffered there using a Skilful saw he bought in Michigan. Skilful is incorporated in Delaware, manufactures its saws in Tennessee, where its home offices are, and sells its saws to wholesalers around the United States. Its main wholesaler, Statewide Distributors, is located in Michigan. Skilful sells 40 percent of its saws to Statewide, and ships them to Statewide in Michigan. Statewide sells at least half of those saws in Michigan.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  In A, jurisdiction is not based on general in personam jurisdiction. Indeed, it is not based on in personam jurisdiction at all. It is an exercise of in rem jurisdiction, based not on bringing the defendant before the court, but upon the seizure of his property by attachment to satisfy an unrelated claim. More on this later in the chapter. Note too, that the defendant in this case is an individual. General in personam jurisdiction based on extensive contacts (as opposed to domicile) may not apply to individual defendants at all, but only to corporations. See Burnham v. Superior Court, 495 U.S. 604, 610 n.1 (1990). B involves an exercise of specific in personam jurisdiction. Surely, selling a few cars a year in New Mexico is insufficient to support general in personam jurisdiction, which rests on the premise that the defendant conducts continuous, extensive activity in the forum state. However, Truscott’s claim here arises out of a minimum contact of Mancini in New Mexico: advertising the car there and subsequently selling it to Truscott there. This would support specific in personam jurisdiction, since Truscott’s claim arises out of a sale actively solicited by Mancini in New Mexico. D is also a specific in personam case. Here, Cartwright sues for a claim that arises out of sales of Skilful’s products into Michigan. Even after Asahi and McIntyre, Skilful would be subject to personal jurisdiction in Michigan for this claim since Skilful directly cultivated the Michigan market for its products by selling saws in quantity in Michigan, and Cartwright’s claim arises from a product sold into Michigan. But Skilful’s contacts would almost certainly not support general in personam jurisdiction in Michigan. In Daimler A.G. v. Bauman, 571 U.S. 117 (2014), the Supreme Court held that a corporation is only subject to general in personam jurisdiction in states where it is ‘‘at home.’’ In almost all cases, Daimler held, a corporation is ‘‘at home’’ only in the state of incorporation and the state of its principal place of business. Michigan probably does not meet that test, even though Skilful does a lot of business there. Nor would Cartwright need to invoke general in personam jurisdiction, since the claim arises out of a Skilful contact in the forum. C is different. Here, Truscott sues Mancini in Texas for a claim that arose from its activity in California. Mancini has plenty of contacts in Texas, but this claim does not arise from them. If the court is to exercise jurisdiction in the case, it will have to do so based on the fact that Mancini, which is incorporated in Texas and has a permanent place of business there, has extensive contacts in Texas that support general in personam jurisdiction, that is, jurisdiction over any claim against the corporation, even if it arose in another state. Go with C. |
| **Mistral-7B Analysis** [1] The legal context discusses the concept of general in personam jurisdiction, which allows a court to exercise jurisdiction over a defendant for any claim against them, regardless of the connection to the forum state, if their contacts with the state are sufficiently extensive.  [2] In the given options, only D presents such extensive contacts with the forum state. Skilful Electric Tool Company sells 40% of its saws to its main wholesaler, Statewide Distributors, located in Michigan, and ships them there. This constitutes a significant presence in the state, making it a fair target for any lawsuit arising from its business activities, even if the specific claim does not arise from those activities.  [3] Therefore, the correct answer is D. Skilful Electric Tool Company could be sued in Michigan for any claim against it, not just those arising from its sales to Statewide Distributors. |
| **Llama 3-8b Analysis**  Here is my response:  \*\*Legal Reasoning:\*\*  1. The court relies on general in personam jurisdiction when a defendant's contacts with the forum state are so extensive that it is neither unfair nor inconvenient to require the defendant to defend any lawsuit there, including ones that arise in other states.  2. In option D, Cartwright sues Skilful Electric Tool Company in Michigan for injuries he suffered there using a Skilful saw he bought in Michigan. Skilful is incorporated in Delaware, manufactures its saws in Tennessee, and sells its saws to wholesalers around the United States, including Statewide Distributors in Michigan.  3. Skilful sells 40 percent of its saws to Statewide, and ships them to Statewide in Michigan. Statewide sells at least half of those saws in Michigan, indicating that Skilful has a significant presence in Michigan.  4. Given Skilful's extensive contacts with Michigan, including its sales and shipping activities, it is neither unfair nor inconvenient to require Skilful to defend any lawsuit in Michigan, including Cartwright's claim.  5. Therefore, the court can rely on general in personam jurisdiction as the basis for exercising judicial authority over Skilful Electric Tool Company in Michigan.  \*\*Final Answer:\*\*  D. Cartwright sues Skilful Electric Tool Company in Michigan for injuries he suffered there using a Skilful saw he bought in Michigan. Skilful is incorporated in Delaware, manufactures its saws in Tennessee, where its home offices are, and sells its saws to wholesalers around the United States. Its main wholesaler, Statewide Distributors, is located in Michigan. Skilful sells 40 percent of its saws to Statewide, and ships them to Statewide in Michigan. Statewide sells at least half of those saws in Michigan. |
| **GPT-3.5-turbo Analysis:**  1. The key concept to consider here is general in personam jurisdiction, which allows a court to exercise authority over a defendant based on extensive contacts in the forum state, regardless of where the specific claim arose.  2. Option A involves Johnston suing Moreno in New Mexico for breach of contract related to a painting transaction that occurred in Texas. The only connection to New Mexico is the attachment of a time share, which does not constitute extensive contacts in the state.  3. Option B presents a scenario where Truscott is suing Mancini Motors in New Mexico for injuries suffered in New Mexico while driving a car purchased from Mancini. Mancini has limited activities in New Mexico, selling only a few cars a year, which does not meet the threshold for extensive contacts.  4. Option C involves Truscott suing Mancini Motors in Texas for misrepresentations made at a dealership in California. This scenario does not establish extensive contacts in Texas, as the misrepresentations occurred in California.  5. Option D features Cartwright suing Skilful Electric Tool Company in Michigan for injuries caused by a saw purchased in Michigan. Skilful has substantial connections to Michigan, selling 40% of its saws to a main wholesaler in Michigan. This level of activity in the state constitutes extensive contacts, allowing for general in personam jurisdiction.  Final Answer: Option D. Cartwright sues Skilful Electric Tool Company in Michigan for injuries suffered using a saw purchased in Michigan. Skilful's substantial business activities in Michigan establish the necessary extensive contacts for general in personam jurisdiction. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding General In Personam Jurisdiction\*\*: General in personam jurisdiction allows a court to exercise jurisdiction over a defendant regardless of where the claim arose, provided the defendant's activities in the state are so substantial that it is neither unfair nor inconvenient for the defendant to defend the lawsuit there. This is based on the principle that extensive contacts confer benefits and obligations.  2. \*\*Analyzing Option A\*\*: In this scenario, Moreno, a Texas citizen, is sued in New Mexico for a contract breach that occurred in Texas. The jurisdiction is obtained by attaching property in New Mexico. This does not indicate that Moreno has substantial or continuous activities in New Mexico; rather, jurisdiction is based on the presence of property. This is more indicative of specific jurisdiction or quasi in rem jurisdiction, not general in personam jurisdiction.  3. \*\*Analyzing Option B\*\*: Mancini Motors, although selling a few cars in New Mexico, does not have substantial or continuous operations in New Mexico. Selling three or four cars a year does not establish the extensive contacts necessary for general in personam jurisdiction. The claim also arises from activities directly linked to New Mexico (sale and injury in New Mexico), suggesting specific jurisdiction rather than general.  4. \*\*Analyzing Option C\*\*: This scenario involves a Texas company being sued in Texas for actions occurring in California. While the company is based in Texas, the claim does not arise from its activities in Texas. However, since the company is domiciled in Texas, general in personam jurisdiction is applicable here because a corporation can be sued in its home state for any claim, regardless of where the claim arose.  5. \*\*Analyzing Option D\*\*: Skilful Electric Tool Company has substantial operations in Michigan through its main wholesaler, Statewide Distributors, which distributes a significant portion of its products. The continuous and substantial nature of Skilful's business activities in Michigan, including the high volume of sales and shipments, likely qualifies for general in personam jurisdiction. The claim also arises from these activities, making it a strong candidate for general jurisdiction.  \*\*Final Answer\*\*: Option D is the correct choice where the court can rely on general in personam jurisdiction. Skilful Electric Tool Company's extensive and continuous operations in Michigan through Statewide Distributors justify the exercise of general jurisdiction, allowing it to be sued in Michigan for any claim, including the injuries suffered by Cartwright using a Skilful product purchased in Michigan. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning to determine the correct option:  1. General in personam jurisdiction is based on a defendant's extensive and continuous contacts with the forum state, which makes it fair and convenient for the defendant to defend any lawsuit in that state, including ones that arise in other states.  2. To determine if general in personam jurisdiction applies, we need to analyze the defendant's contacts with the forum state in each option.  3. Option A: Moreno, a Texas citizen, owns a time share in New Mexico, but this is not sufficient to establish general in personam jurisdiction. The time share is an isolated contact, and Moreno's domicile is in Texas, not New Mexico.  4. Option B: Mancini Motors, a Texas corporation, sells three or four cars a year in New Mexico, but this is not sufficient to establish general in personam jurisdiction. These limited sales do not constitute extensive and continuous contacts with the forum state.  5. Option C: Truscott sues Mancini Motors in Texas, where Mancini is incorporated and has its main business operations. This is a strong indication of general in personam jurisdiction, as Mancini's contacts with Texas are extensive and continuous.  6. Option D: Skilful Electric Tool Company sells 40 percent of its saws to a wholesaler in Michigan, but this is not sufficient to establish general in personam jurisdiction. While Skilful has significant sales in Michigan, it is not incorporated or headquartered there, and its contacts with the state are primarily through its wholesaler.  Based on the analysis, the correct option is:  C. Truscott sues Mancini Motors, the Texas antique car company, in Texas. He seeks damages for misrepresentations a Mancini salesperson made to him at a Mancini dealership in California, which led him to purchase a car at the California dealership.  This option demonstrates general in personam jurisdiction, as Mancini Motors has extensive and continuous contacts with the forum state of Texas, making it fair and convenient for Mancini to defend the lawsuit in Texas, even though the claim arose in California. |
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| Human Annotator Analysis of Mistral-7B:  [1] The legal context discusses the concept of general in personam jurisdiction, which allows a court to exercise jurisdiction over a defendant for any claim against them, regardless of the connection to the forum state, if their contacts with the state are sufficiently extensive.  (Correct)  [2] In the given options, only D presents such extensive contacts with the forum state. Skilful Electric Tool Company sells 40% of its saws to its main wholesaler, Statewide Distributors, located in Michigan, and ships them there. This constitutes a significant presence in the state, making it a fair target for any lawsuit arising from its business activities, even if the specific claim does not arise from those activities. (Misinterpretation) - The LLM could not grasp the specific consideration that lawsuit must be done in the state where it is “incorporated” for the court to have general in personam jurisdiction. For this case, it must be in Delaware, not Michigan. So the reasoning in this point has gone wrong.  Annotator remark: The expert answer thinks 40% is probably not extensive, but LLM deems it to be extensive. This is purely subjective.  [3] Therefore, the correct answer is D. Skilful Electric Tool Company could be sued in Michigan for any claim against it, not just those arising from its sales to Statewide Distributors.  (Wrong conclusion from False Premise) - Wrong conclusion from the incorrect application of law. |
| **Human Annotator Analysis of Llama 3-8b:**  Here is my response:  \*\*Legal Reasoning:\*\*  1. The court relies on general in personam jurisdiction when a defendant's contacts with the forum state are so extensive that it is neither unfair nor inconvenient to require the defendant to defend any lawsuit there, including ones that arise in other states.(Correct)  2. In option D, Cartwright sues Skilful Electric Tool Company in Michigan for injuries he suffered there using a Skilful saw he bought in Michigan. Skilful is incorporated in Delaware, manufactures its saws in Tennessee, and sells its saws to wholesalers around the United States, including Statewide Distributors in Michigan.(Correct)  3. Skilful sells 40 percent of its saws to Statewide, and ships them to Statewide in Michigan. Statewide sells at least half of those saws in Michigan, indicating that Skilful has a significant presence in Michigan.(Incorrect)(Cherry Picking) - The LLM also ignores the statement that a corporation is ‘‘at home’’ only in the state of incorporation and the state of its principal place of business and Michigan does not meet that test. While 40% is significant, it does not automatically make Michigan the principal place of business.  4. Given Skilful's extensive contacts with Michigan, including its sales and shipping activities, it is neither unfair nor inconvenient to require Skilful to defend any lawsuit in Michigan, including Cartwright's claim.(Incorrect)(Misinterpretation) - The LLM ignores the fact that Skilful’s contacts would almost certainly not support general in personam jurisdiction in Michigan.  5. Therefore, the court can rely on general in personam jurisdiction as the basis for exercising judicial authority over Skilful Electric Tool Company in Michigan.(Incorrect)(Wrong Conclusion from False Premises) - The LLM has made a false conclusion from false premises in points 3 and 4.  \*\*Final Answer:\*\*  D. Cartwright sues Skilful Electric Tool Company in Michigan for injuries he suffered there using a Skilful saw he bought in Michigan. Skilful is incorporated in Delaware, manufactures its saws in Tennessee, where its home offices are, and sells its saws to wholesalers around the United States. Its main wholesaler, Statewide Distributors, is located in Michigan. Skilful sells 40 percent of its saws to Statewide, and ships them to Statewide in Michigan. Statewide sells at least half of those saws in Michigan.  Annotator Remarks:  Due to the LLM ignoring various crucial contexts, it produces the false conclusion. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The key concept to consider here is general in personam jurisdiction, which allows a court to exercise authority over a defendant based on extensive contacts in the forum state, regardless of where the specific claim arose. (Correct)  2. Option A involves Johnston suing Moreno in New Mexico for breach of contract related to a painting transaction that occurred in Texas. The only connection to New Mexico is the attachment of a time share, which does not constitute extensive contacts in the state. (Correct)  3. Option B presents a scenario where Truscott is suing Mancini Motors in New Mexico for injuries suffered in New Mexico while driving a car purchased from Mancini. Mancini has limited activities in New Mexico, selling only a few cars a year, which does not meet the threshold for extensive contacts. (Correct)  4. Option C involves Truscott suing Mancini Motors in Texas for misrepresentations made at a dealership in California. This scenario does not establish extensive contacts in Texas, as the misrepresentations occurred in California. (Incorrect) (Misinterpretation) - Mancini is incorporated in Texas and has a permanent place of business there and has extensive contacts in Texas that support general in personam jurisdiction. This is jurisdiction over any claim against the corporation, even if it arose in another state.  5. Option D features Cartwright suing Skilful Electric Tool Company in Michigan for injuries caused by a saw purchased in Michigan. Skilful has substantial connections to Michigan, selling 40% of its saws to a main wholesaler in Michigan. This level of activity in the state constitutes extensive contacts, allowing for general in personam jurisdiction. (Incorrect) (Misinterpretation) - Skilful’s contacts would not support general in personam jurisdiction in Michigan because Michigan is not a state where the corporation is “at home” (the state of incorporation and the state of its principal place of business).  Final Answer: Option D. Cartwright sues Skilful Electric Tool Company in Michigan for injuries suffered using a saw purchased in Michigan. Skilful's substantial business activities in Michigan establish the necessary extensive contacts for general in personam jurisdiction.  (Wrong Conclusion from False Premises and Wrong Elimination) |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding General In Personam Jurisdiction\*\*: General in personam jurisdiction allows a court to exercise jurisdiction over a defendant regardless of where the claim arose, provided the defendant's activities in the state are so substantial that it is neither unfair nor inconvenient for the defendant to defend the lawsuit there. This is based on the principle that extensive contacts confer benefits and obligations. (correct)  2. \*\*Analyzing Option A\*\*: In this scenario, Moreno, a Texas citizen, is sued in New Mexico for a contract breach that occurred in Texas. The jurisdiction is obtained by attaching property in New Mexico. This does not indicate that Moreno has substantial or continuous activities in New Mexico; rather, jurisdiction is based on the presence of property. This is more indicative of specific jurisdiction or quasi in rem jurisdiction, not general in personam jurisdiction. (correct)  3. \*\*Analyzing Option B\*\*: Mancini Motors, although selling a few cars in New Mexico, does not have substantial or continuous operations in New Mexico. Selling three or four cars a year does not establish the extensive contacts necessary for general in personam jurisdiction. The claim also arises from activities directly linked to New Mexico (sale and injury in New Mexico), suggesting specific jurisdiction rather than general. (correct)  4. \*\*Analyzing Option C\*\*: This scenario involves a Texas company being sued in Texas for actions occurring in California. While the company is based in Texas, the claim does not arise from its activities in Texas. However, since the company is domiciled in Texas, general in personam jurisdiction is applicable here because a corporation can be sued in its home state for any claim, regardless of where the claim arose. (Misinterpretation) - Wrong, here the conditions for general in personam jurisdiction are being satisfied.The legal context mentions ‘**The premise behind general in personam jurisdiction is that, where a defendant’s contacts are sufficiently extensive in the forum state, it is neither unfair nor inconvenient to require it to defend any lawsuit there, including ones that arise in other states**’. Here, Mancini is an incorporated company in Texas and it is fair to sue Mancini in Texas for disputes arising in California.  5. \*\*Analyzing Option D\*\*: Skilful Electric Tool Company has substantial operations in Michigan through its main wholesaler, Statewide Distributors, which distributes a significant portion of its products. The continuous and substantial nature of Skilful's business activities in Michigan, including the high volume of sales and shipments, likely qualifies for general in personam jurisdiction. The claim also arises from these activities, making it a strong candidate for general jurisdiction. (Misinterpretation) - Wrong, while Skilful Electric Tool Company has substantial operations in Michigan, it is incorporated in Delaware and the lawsuit should have been registered in Delaware to qualify for general in personam jurisdiction,  \*\*Final Answer\*\*: Option D is the correct choice where the court can rely on general in personam jurisdiction. Skilful Electric Tool Company's extensive and continuous operations in Michigan through Statewide Distributors justify the exercise of general jurisdiction, allowing it to be sued in Michigan for any claim, including the injuries suffered by Cartwright using a Skilful product purchased in Michigan. (Wrong Conclusion from False Premises and Wrong Elimination) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. General in personam jurisdiction is based on a defendant's continuous and systematic contacts with the forum state, allowing the court to exercise jurisdiction over the defendant for any claim, regardless of where it arose. (Correct)  2. In option A, Moreno's contacts with New Mexico are limited to owning a time share, which is not sufficient to establish general in personam jurisdiction. (Correct)  3. In option B, Mancini Motors has limited contacts with New Mexico, selling only a few cars per year. This does not establish general in personam jurisdiction. (Correct)  4. In option C, Truscott sues Mancini Motors in Texas, where the alleged misrepresentation occurred. This is not a case of general in personam jurisdiction, as the claim arose in Texas. (Hallucination) - The claim against Mancini Motors did not arise in Texas, it arose due to a misrepresentation that occurred in California, thus making this a proper application of general in personam jurisdiction.  5. In option D, Skilful Electric Tool Company has extensive contacts with Michigan, as it sells 40% of its saws through its main wholesaler, Statewide Distributors, located in Michigan. This establishes a continuous and systematic presence in Michigan, allowing the court to exercise general in personam jurisdiction.  (Misinterpretation) - Selling 40% of its saws through a Michigan-based wholesaler does not qualify as continuous and systematic presence in Michigan. General in personam jurisdiction is intended to apply to anywhere the corporation is “at home,” or where it would not be inconvenient or unfair to require the corporation to defend its lawsuits. A corporation is usually only considered to be subject to general in personam jurisdiction in the state it is incorporated in and the state where its headquarters are located, of which Michigan is neither for Skillful Electric Tool Company.  Final Answer: D. Cartwright sues Skilful Electric Tool Company in Michigan for injuries he suffered there using a Skilful saw he bought in Michigan. Skilful is incorporated in Delaware, manufactures its saws in Tennessee, where its home offices are, and sells its saws to wholesalers around the United States. Its main wholesaler, Statewide Distributors, is located in Michigan. Skilful sells 40 percent of its saws to Statewide, and ships them to Statewide in Michigan. Statewide sells at least half of those saws in Michigan.  (Wrong Conclusion from Wrong Premises) - The Hallucination in premise 4 causes the LLM to overlook the correct answer, leading it to consider option D the best answer. |
| **Human Annotator analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning to determine the correct option:  1. General in personam jurisdiction is based on a defendant's extensive and continuous contacts with the forum state, which makes it fair and convenient for the defendant to defend any lawsuit in that state, including ones that arise in other states. (Correct)  2. To determine if general in personam jurisdiction applies, we need to analyze the defendant's contacts with the forum state in each option. (Correct)  3. Option A: Moreno, a Texas citizen, owns a time share in New Mexico, but this is not sufficient to establish general in personam jurisdiction. The time share is an isolated contact, and Moreno's domicile is in Texas, not New Mexico. (Correct)  4. Option B: Mancini Motors, a Texas corporation, sells three or four cars a year in New Mexico, but this is not sufficient to establish general in personam jurisdiction. These limited sales do not constitute extensive and continuous contacts with the forum state. (Correct)  5. Option C: Truscott sues Mancini Motors in Texas, where Mancini is incorporated and has its main business operations. This is a strong indication of general in personam jurisdiction, as Mancini's contacts with Texas are extensive and continuous. (Correct)  6. Option D: Skilful Electric Tool Company sells 40 percent of its saws to a wholesaler in Michigan, but this is not sufficient to establish general in personam jurisdiction. While Skilful has significant sales in Michigan, it is not incorporated or headquartered there, and its contacts with the state are primarily through its wholesaler. (Correct)  Based on the analysis, the correct option is:  C. Truscott sues Mancini Motors, the Texas antique car company, in Texas. He seeks damages for misrepresentations a Mancini salesperson made to him at a Mancini dealership in California, which led him to purchase a car at the California dealership. (Correct)  This option demonstrates general in personam jurisdiction, as Mancini Motors has extensive and continuous contacts with the forum state of Texas, making it fair and convenient for Mancini to defend the lawsuit in Texas, even though the claim arose in California. |

### 6. Perrone, an Acadia resident, sues Margules…

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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Let’s start with the role of the United States Constitution in defining the limits of a court’s power to subject a defendant to jurisdiction. The Fourteenth Amendment bars a state from depriving a person of life, liberty or property ‘‘without due process of law,’’ that is, without a basically fair procedure. If it’s a court that’s doing the depriving—by entering a judgment against a person and forcing her to pay it—basic fairness requires that the defendant have some relationship to the state where the court sits that will make it fair to conduct the litigation there. In civil procedure terms, that means that the court must have ‘‘a basis to exercise personal jurisdiction’’ over the defendant. In the major personal jurisdiction cases, such as International Shoe, World-Wide Volkswagen, Daimler, Asahi, Burnham v. Superior Court, and Bristol-Myers Squibb, the United States Supreme Court has provided some guidance as to the types of relations to a state that will support the exercise of jurisdiction. Some relations that satisfy due process under the Fourteenth Amendment include domicile in a state,1 being ‘‘at home’’ in a state,2 minimum contacts that give rise to the claim,3 and service of process on an individual in the forum state.4 That’s not an exhaustive list, and of course there are refinements and ambiguities, but the point is that the Supreme Court has upheld certain relations to a state as sufficient under the Fourteenth Amendment to support personal jurisdiction over a defendant there. However, it is not enough that a defendant has a contact with the state that is sufficient under the Due Process Clause to allow the state to exert jurisdiction over him. The state must also have a statute that authorizes the court to exercise that jurisdiction. This is confusing; if the exercise of jurisdiction is constitutionally permissible, why does the legislature have to authorize it in a statute too? The reason is that the Fourteenth Amendment does not actually confer jurisdiction on courts. It sets limits on the exercise of jurisdiction. (‘‘No state shall deprive any person of life, liberty, or property without due process of law.’’) It says to the states, ‘‘go ahead, define your courts’ jurisdiction as you like, but in doing so, don’t overreach.’’ It is the state legislatures that define the power of their courts to exercise personal jurisdiction. So, when a defendant is sued in the courts of California, the California court must ask whether a California statute authorizes it to assert jurisdiction over that defendant. If the suit is in Wisconsin, the court will look to Wisconsin personal jurisdiction statutes, and so on. Thus, two requirements must be met before the court can proceed to adjudicate the defendant’s rights. The court must be authorized to exercise jurisdiction by statute, and it must be constitutionally permissible, under due process analysis, for the court to exercise that statutory authority. Thus, courts address challenges to personal jurisdiction in two steps. First, they ask whether a statute of the state (such as a long-arm statute) authorizes the court to exert jurisdiction over the defendant. Second, if there is statutory authority to exercise jurisdiction, the court proceeds to the second question: whether applying the statute, in the particular circumstances of the case, would assert jurisdiction beyond the bounds permitted by the Due Process Clause. Consider the following example on the relation between statutory requirements and constitutional constraints.  (Simple Example to illustrate this: Imagine someone is sued in California. The California court first checks if there is a California law that lets it have jurisdiction over the defendant. If such a law exists, the court then checks if using this law in this particular case is fair and meets the requirements of the Fourteenth Amendment's Due Process Clause.  In summary, for a court to have authority over a defendant, both a state law must permit it, and it must be fair and constitutional to exercise that jurisdiction.)  Question:  Perrone, an Acadia resident, sues Margules, a Montanan, in an Acadia state court, for defamation. He claims that Margules called Acme Corporation, an Acadia company that was planning to hire Perrone, and made false and defamatory statements about his professional abilities that led Acme to decide not to hire him. Margules placed the call from her office in Montana. Assume that Acadia has a long-arm statute that authorizes personal jurisdiction over a defendant who ‘‘causes personal injury in this state by a tortious act or omission while physically present within this state.’’ Assume that this is the only statute that might authorize the Acadia court to exercise personal jurisdiction over Perrone for this claim.  Options:  A. The Acadia statute authorizes the court to exercise jurisdiction over Margules in this case. However, it would be unconstitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case.  B. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case. In addition, it would be unconstitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case.  C. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case. However, it would be constitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case.  D. Although the Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case, the court may do so because the claim arises out of her deliberate contacts with Acadia that gave rise to Perrone’s claim.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  It shouldn’t be too hard to narrow down the choices here. The statute requires that the defendant, when she commits the tortious act, be physically present in Acadia. Margules wasn’t, so the statute does not authorize the Acadia court to exercise personal jurisdiction over Margules. That eliminates A right off the bat. B asserts that the statute does not authorize the court to hear the case, and that, if it did, it would exceed constitutional bounds to exercise jurisdiction over Margules on these facts. This is almost certainly not so. Margules deliberately reached into Acadia to cause a substantial adverse effect on Perrone in Acadia, and did. A person need not physically enter a state to establish a minimum contact there that will support personal jurisdiction over her. She need only purposely engage in conduct focused on the state that she can foresee might cause adverse effects there and lead to litigation there. Margules certainly did that, and it would not be unreasonable to require her to defend this Acadia-focused act in Acadia. Compare Calder v. Jones, 465 U.S. 783 (1984) (Florida defendant who wrote defamatory article about California actress published there subject to personal jurisdiction in California, even if he did not travel to California in connection with the article). How about D, which suggests that the court can exercise jurisdiction because Margules’s minimum contacts in Acadia would constitutionally allow the court to do so? This dangerously misconstrues the relation of jurisdictional statutes and constitutional constraints. Although it would be consistent with due process for Acadia to require Margules to defend this case in Acadia, it has chosen not to require him to. Instead, it has written a long-arm statute that does not ‘‘reach to the limits of due process.’’ In this long-arm provision, Acadia has granted its courts less personal jurisdiction authority than it constitutionally could, by excluding cases like Perrone’s, in which communications from outside the state defame a plaintiff in the state. Maybe it just doesn’t want to hear all these cases. For whatever reason, it has not given its courts statutory authority to hear this claim, even though it could have. C is the best answer. |
| **Mistral-7B Analysis**  [1] The first step is to determine whether the Acadia statute authorizes the court to exercise jurisdiction over Margules in this case. The statute in question authorizes personal jurisdiction over a defendant who causes personal injury in Acadia by a tortious act or omission while physically present within the state.  [2] In this case, Margules is not physically present in Acadia when she allegedly committed the tortious act. She made the defamatory statements from her office in Montana.  [3] Therefore, based on the text of the statute, it does not appear to authorize the court to exercise jurisdiction over Margules in this case.  [Final Answer: B. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case.]  However, it's important to note that even if the statute does not explicitly authorize jurisdiction in this case, a court may still exercise jurisdiction if the defendant has sufficient contacts with the forum state such that the exercise of jurisdiction comports with due process. This is known as the "minimum contacts" standard, which is a constitutional requirement separate from the statutory authorization. In this case, Margules' contact with Acadia through her defamatory statements may be sufficient to establish minimum contacts, but that analysis is beyond the scope of this question. |
| **Llama 3-8b Analysis**  Here is the response:  \*\*Explanation of legal reasoning:\*\*  1. The first step is to determine whether the Acadia statute authorizes the court to exercise jurisdiction over Margules. The statute mentions "causes personal injury in this state by a tortious act or omission while physically present within this state." Since Margules did not physically present herself in Acadia, this statute does not authorize the court to exercise jurisdiction over her.  2. The second step is to determine whether exercising jurisdiction over Margules would be constitutional under the Fourteenth Amendment. The Due Process Clause requires that the defendant have some relationship to the state where the court sits that will make it fair to conduct the litigation there. In this case, Margules has no relationship to Acadia, as she is a resident of Montana and the alleged tortious act occurred in Montana.  3. Therefore, exercising jurisdiction over Margules would be unconstitutional under the Fourteenth Amendment.  \*\*Final Answer:\*\*  B. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case. In addition, it would be unconstitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case. |
| **GPT-3.5-turbo Analysis:**  1. The first step is to determine whether the Acadia long-arm statute authorizes the court to exercise jurisdiction over Margules in this case. The statute allows for personal jurisdiction over a defendant who causes personal injury in the state by a tortious act or omission while physically present within the state. In this case, Margules made the defamatory call from her office in Montana, not physically present in Acadia. Therefore, the statute does not authorize jurisdiction based on the facts presented.  2. The second step is to analyze whether it would be constitutional under the Fourteenth Amendment for the court to exercise jurisdiction over Margules in this case. Since the long-arm statute does not provide a basis for jurisdiction, the court cannot proceed to the constitutional analysis. Without statutory authority, the court cannot assert jurisdiction over Margules.  [Final Answer: B. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case. In addition, it would be unconstitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case.] |
| **GPT-4-turbo Analysis:**  1. \*\*Statutory Analysis\*\*: The first step is to determine whether the Acadia long-arm statute authorizes jurisdiction over Margules. The statute specifies jurisdiction over defendants who cause personal injury in Acadia "by a tortious act or omission while physically present within this state." Margules, however, was in Montana when she allegedly committed the defamatory act. Therefore, she was not "physically present" in Acadia when the injury occurred.  2. \*\*Constitutional Analysis\*\*: Even if the statute did authorize jurisdiction, the next step would be to assess whether exercising jurisdiction would be constitutional under the Fourteenth Amendment. The key here is whether Margules has sufficient minimum contacts with Acadia such that the exercise of jurisdiction would not offend "traditional notions of fair play and substantial justice." Since Margules was in Montana and merely placed a phone call to Acadia, this alone does not establish such contacts that she should reasonably anticipate being haled into an Acadia court.  3. \*\*Conclusion on Statutory and Constitutional Grounds\*\*: Since the Acadia statute requires physical presence for jurisdiction in cases of personal injury by a tortious act, and Margules was not physically present in Acadia, the statute does not authorize jurisdiction. Additionally, constitutionally, Margules does not have the requisite minimum contacts with Acadia to satisfy due process requirements for personal jurisdiction.  [Final Answer: B. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case. In addition, it would be unconstitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. First, we need to analyze whether the Acadia long-arm statute authorizes the court to exercise jurisdiction over Margules. The statute requires that the defendant be "physically present within this state" when committing the tortious act. However, Margules placed the call from her office in Montana, which means she was not physically present in Acadia.  2. Based on the facts, the Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case because she does not meet the statutory requirement of being physically present in the state.  3. Next, we need to consider whether it would be constitutional under the Fourteenth Amendment for the court to exercise jurisdiction over Margules. The Supreme Court has established that minimum contacts that give rise to the claim can be sufficient to support personal jurisdiction. In this case, Margules made a phone call to an Acadia company, which led to the alleged defamation. This could be considered a minimum contact that gave rise to the claim.  4. However, the fact that Margules was not physically present in Acadia and only made a single phone call to the state may not be enough to establish the kind of "minimum contacts" required for constitutional personal jurisdiction. But, for the sake of argument, let's assume it could be considered sufficient.  5. Even if we assume that the phone call is a sufficient minimum contact, the Acadia statute does not authorize the court to exercise jurisdiction over Margules. The court cannot exercise jurisdiction without a statutory basis, even if it would be constitutional to do so.  6. Therefore, the correct answer is the one that states the Acadia statute does not authorize the court to exercise jurisdiction over Margules, but it would be constitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case.  Final Answer: C |
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| Human Annotator Analysis of Mistral-7B [1] The first step is to determine whether the Acadia statute authorizes the court to exercise jurisdiction over Margules in this case. The statute in question authorizes personal jurisdiction over a defendant who causes personal injury in Acadia by a tortious act or omission while physically present within the state. (Correct)  [2] In this case, Margules is not physically present in Acadia when she allegedly committed the tortious act. She made the defamatory statements from her office in Montana. (Correct)  [3] Therefore, based on the text of the statute, it does not appear to authorize the court to exercise jurisdiction over Margules in this case.(Correct)  [Final Answer: B. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case.] (Wrong Conclusion from Incomplete Premises) - Making a decision based on an incomplete set of information, without considering all necessary legal aspects before jumping to the conclusion. Here the validity of the due process clause is not carefully examined and a premature conclusion is drawn)  However, it's important to note that even if the statute does not explicitly authorize jurisdiction in this case, a court may still exercise jurisdiction if the defendant has sufficient contacts with the forum state such that the exercise of jurisdiction comports with due process. This is known as the "minimum contacts" standard, which is a constitutional requirement separate from the statutory authorization. In this case, Margules' contact with Acadia through her defamatory statements may be sufficient to establish minimum contacts, but that analysis is beyond the scope of this question. (No, that analysis is not outside the scope of this question!, in fact the expert has used “minimum” contact (instead of physical contact) to narrow the option to C. Margules' contact with Acadia through her defamatory statements is indeed be sufficient to establish minimum contacts and constitutionally) (Misinterpretation)  **(Due Process Clause allows jurisdiction and is not violated but state statute is not satisfied (which is examined first))** |
| **Human Annotator Analysis of Llama 3-8b:**  Here is the response:  \*\*Explanation of legal reasoning:\*\*  1. The first step is to determine whether the Acadia statute authorizes the court to exercise jurisdiction over Margules. The statute mentions "causes personal injury in this state by a tortious act or omission while physically present within this state." Since Margules did not physically present herself in Acadia, this statute does not authorize the court to exercise jurisdiction over her.(Incorrect)(Cherry Picking) - The LLM ignored the statement Margules deliberately reached into Acadia to cause a substantial adverse effect on Perrone in Acadia, and did. This is why it made a false conclusion from the right premise.  2. The second step is to determine whether exercising jurisdiction over Margules would be constitutional under the Fourteenth Amendment. The Due Process Clause requires that the defendant have some relationship to the state where the court sits that will make it fair to conduct the litigation there. In this case, Margules has no relationship to Acadia, as she is a resident of Montana and the alleged tortious act occurred in Montana.(Misinterpretation) - The LLM deduced incorrectly that Margules did not have a relationship with Acadia asi it fails to understand that a person need not physically enter a state to establish a minimum contact there that will support personal jurisdiction over her.  3. Therefore, exercising jurisdiction over Margules would be unconstitutional under the Fourteenth Amendment.(Wrong Conclusion from False Premises)  \*\*Final Answer:\*\*  B. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case. In addition, it would be unconstitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case.  Annotator Remarks:  The LLM made its first wrong conclusion in point 1 and the error just propagated and made the LLM get the wrong idea and hence create a false conclusion from wrong premises. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The first step is to determine whether the Acadia long-arm statute authorizes the court to exercise jurisdiction over Margules in this case. The statute allows for personal jurisdiction over a defendant who causes personal injury in the state by a tortious act or omission while physically present within the state. In this case, Margules made the defamatory call from her office in Montana, not physically present in Acadia. Therefore, the statute does not authorize jurisdiction based on the facts presented. (Correct)  2. The second step is to analyze whether it would be constitutional under the Fourteenth Amendment for the court to exercise jurisdiction over Margules in this case. Since the long-arm statute does not provide a basis for jurisdiction, the court cannot proceed to the constitutional analysis. Without statutory authority, the court cannot assert jurisdiction over Margules. (Incorrect) (Misinterpretation) - A person does not need to physically enter a state to establish minimum contact there that will support personal jurisdiction over her. They only need to purposely engage in conduct focused on the state that she can foresee might cause adverse effects and lead to litigation there. Since Margules did exactly that, it would be reasonable for her to defend this in Acadia.  [Final Answer: B. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case. In addition, it would be unconstitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case.] |
| **Human Annotator analysis of GPT-4-turbo:**  1. \*\*Statutory Analysis\*\*: The first step is to determine whether the Acadia long-arm statute authorizes jurisdiction over Margules. The statute specifies jurisdiction over defendants who cause personal injury in Acadia "by a tortious act or omission while physically present within this state." Margules, however, was in Montana when she allegedly committed the defamatory act. Therefore, she was not "physically present" in Acadia when the injury occurred. (Correct)  2. \*\*Constitutional Analysis\*\*: Even if the statute did authorize jurisdiction, the next step would be to assess whether exercising jurisdiction would be constitutional under the Fourteenth Amendment. The key here is whether Margules has sufficient minimum contacts with Acadia such that the exercise of jurisdiction would not offend "traditional notions of fair play and substantial justice." Since Margules was in Montana and merely placed a phone call to Acadia, this alone does not establish such contacts that she should reasonably anticipate being haled into an Acadia court. (Misinterpretation) - Margule has sufficient minimum contacts with Acadia. The opposite of that has been understood and inferred as being true by the LLM.  3. \*\*Conclusion on Statutory and Constitutional Grounds\*\*: Since the Acadia statute requires physical presence for jurisdiction in cases of personal injury by a tortious act, and Margules was not physically present in Acadia, the statute does not authorize jurisdiction. Additionally, constitutionally, Margules does not have the requisite minimum contacts with Acadia to satisfy due process requirements for personal jurisdiction. (Misinterpretation) - Error propagation from point 2 and LLM assuming the opposite of what actually is the case.  [Final Answer: B. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case. In addition, it would be unconstitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case.] (Wrong Conclusion from False Premises) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The Acadia long-arm statute authorizes personal jurisdiction over a defendant who causes personal injury in the state by a tortious act or omission while physically present within the state. (Correct)  2. Margules, the defendant, was not physically present in Acadia when she made the defamatory call; she was in Montana. (Correct)  3. The defamatory act did not occur in Acadia; it occurred in Montana, where Margules was physically present. (Misinterpretation) - The defamation did occur in Acadia, as it affected the actions of an Acadia company, but was committed by Margules while she was in Montana.  4. The defamatory act led to a decision by Acme Corporation, an Acadia company, not to hire Perrone, but the act itself did not occur in Acadia. (Misinterpretation) - The defamation did occur in Acadia, as it affected the actions of an Acadia company, but was committed by Margules while she was in Montana.  5. The statute does not authorize the court to exercise jurisdiction over Margules in this case because she was not physically present in Acadia when the tortious act occurred. (Correct)  6. Even if the statute did authorize jurisdiction, it would be unconstitutional under the Fourteenth Amendment for the court to exercise jurisdiction over Margules on the facts of this case because she did not have sufficient contacts with Acadia to satisfy due process requirements. (Misinterpretation) - Margules called the Acme Corporation in Acadia and allegedly defamed Perrone to this company. This action committed by Margules would establish minimum contacts from Margules to Acadia, as she committed an action focused on Acadia that could lead to litigation.  Final Answer: B. The Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case. In addition, it would be unconstitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case.  (Wrong Conclusion from Wrong Premises) - The model misunderstands the location of the act committed in premises 3 and 4, leading to faulty reasoning in premise 6 which points to the wrong answer. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. First, we need to analyze whether the Acadia long-arm statute authorizes the court to exercise jurisdiction over Margules. The statute requires that the defendant be "physically present within this state" when committing the tortious act. However, Margules placed the call from her office in Montana, which means she was not physically present in Acadia. (Correct)  2. Based on the facts, the Acadia statute does not authorize the court to exercise jurisdiction over Margules in this case because she does not meet the statutory requirement of being physically present in the state. (Correct)  3. Next, we need to consider whether it would be constitutional under the Fourteenth Amendment for the court to exercise jurisdiction over Margules. The Supreme Court has established that minimum contacts that give rise to the claim can be sufficient to support personal jurisdiction. In this case, Margules made a phone call to an Acadia company, which led to the alleged defamation. This could be considered a minimum contact that gave rise to the claim. (Correct)  4. However, the fact that Margules was not physically present in Acadia and only made a single phone call to the state may not be enough to establish the kind of "minimum contacts" required for constitutional personal jurisdiction. But, for the sake of argument, let's assume it could be considered sufficient. (Misinterpretation) - The LLM is not certain about the minimum contacts clause being applicable to this case, despite this case satisfying minimum contacts. This leads it to distract itself with this premise, discussing the applicability of the minimum contacts clause.  5. Even if we assume that the phone call is a sufficient minimum contact, the Acadia statute does not authorize the court to exercise jurisdiction over Margules. The court cannot exercise jurisdiction without a statutory basis, even if it would be constitutional to do so. (Correct)  6. Therefore, the correct answer is the one that states the Acadia statute does not authorize the court to exercise jurisdiction over Margules, but it would be constitutional under the Fourteenth Amendment for the court to exercise jurisdiction over her on the facts of this case. (Correct)  Final Answer: C  (Correct Conclusion from Wrong Premises) - The LLM is unsure of the applicability of “minimum contacts” to the scenario in the question, despite it being applicable. |

### 7. Ito, a stockbroker, lives and works in Massachusetts…

| **7.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The natural inclination of the defendant who thinks she’s been sued in the wrong court is to protest. You’d feel the same way. ‘‘Hey, wait! This case doesn’t belong here; throw it out.’’ All court systems provide a procedure for defendants to appear at the outset of the case and object to the court’s exercising jurisdiction over them. The older, common law approach was the ‘‘special appearance.’’ The defendant would ‘‘appear specially’’ for the sole purpose of objecting to the court’s jurisdiction. The court would hear the objection, and dismiss if it agreed that it lacked personal jurisdiction over the defendant. If it disagreed, of course, it would proceed with the case. However, when the defendant made a special appearance, she had to be careful not to raise any issue other than personal jurisdiction. Even before Pennoyer, courts held that a defendant may waive her objection to personal jurisdiction. Many courts held that a defendant who appeared to object to jurisdiction had to confine her appearance to that purpose. If she strayed beyond arguing jurisdiction, she was deemed to be litigating the case on the merits, which implied that she accepted the court’s authority to adjudicate it. For example, if the defendant appeared and objected to personal jurisdiction and also argued that the complaint failed to state a claim on which relief could be granted, she had joined issue on the merits, and that implied submission to the court’s jurisdiction. She would be deemed, by adding the failure-to-state-a-claim objection (or any objection other than to jurisdiction) to have ‘‘appeared generally,’’ waiving her special appearance and accepting the court’s power to hear the case. Thus, a good many older (and some recent) cases conclude, based on some ill-considered argument by defense counsel, that the defendant had fallen over the line and consented to jurisdiction. See, e.g., Davis v. Eighth Judicial Dist. of Nevada, 629 P.2d 1209 (Nev. 1981) (defendants waived special appearance by opposing plaintiff’s motion to amend complaint). Some states even held that a defendant who failed to specifically designate its appearance as a ‘‘special appearance’’ had forfeited the objection and consented to suit in the state. A hundred years ago, the special appearance was the standard procedure for challenging personal jurisdiction at the outset of a case. However, the federal courts, in the Federal Rules of Civil Procedure, and an increasing number of states, have adopted a more flexible approach. Under the Federal Rules, and in states that have modeled their procedural rules on them, a defendant who objects to personal jurisdiction may raise her objection to jurisdiction before answering the complaint, by moving to dismiss for lack of personal jurisdiction. Alternatively, she may raise the objection in her answer to the complaint instead. The Federal Rules approach is more flexible because, when the defendant asserts the objection, she may combine it with other objections or defenses without waiving her objection to the court’s jurisdiction. For example, she might move to dismiss for lack of personal jurisdiction and also for failure to state a claim. She would not lose her objection to jurisdiction by raising it with the objection that challenges the case on the merits. Similarly, in a jurisdiction that uses this approach, she could answer the complaint, raising all of her defenses on the merits, and include her objection to personal jurisdiction in her answer. Combining the challenge to personal jurisdiction with other defenses would not waive the objection to personal jurisdiction. However, there’s a trap for the unwary under the Federal Rules too. While objections to jurisdiction may be combined with others, they must be raised in the defendant’s first response to the complaint. She may move to dismiss for lack of personal jurisdiction and for other reasons. She may answer, raising defenses to the merits of the claim and objecting to personal jurisdiction. But she may not, for example, respond first by moving to dismiss for failure to state a claim, and later answer the complaint, including an objection to personal jurisdiction. By failing to include the jurisdictional objection in her first response to the complaint (here, her motion to dismiss for failure to state a claim), she would waive the objection to jurisdiction. Similarly, if she answers the complaint without including her jurisdictional objection, she waives it as well. (The technicalities of this are explored more fully in Chapter 18 on pre-answer motions.) This rule, that the defendant waives the objection by failing to assert it right away, prevents the defendant from gaming the system. If she could raise the objection to jurisdiction at any time, she might keep the objection in her back pocket, and see how the litigation goes. If her case turns sour on the merits, she might then assert her objection to jurisdiction, in an effort to get the case dismissed after substantial litigation has taken place. The raise-it-or-lose-it rule assures that, if no personal jurisdiction objection is raised at the outset, the court will have authority to hear the case. In many states today, the rules of civil procedure are modeled on the Federal Rules. In these states, the more flexible motion to dismiss for lack of personal jurisdiction has replaced the common law special appearance. Students frequently believe that a defendant has a choice to use either procedure within a single state. That isn’t right; a state will either continue to use the common law special appearance approach, or have changed its procedural rules to adopt the Federal Rules approach. If it has adopted the more flexible federal approach, the defendant should raise the objection by moving to dismiss for lack of jurisdiction, or put it in her answer. If the state continues to follow the common law approach, the defendant should—very carefully—enter a special appearance to challenge personal jurisdiction. Here’s a question to test the point. I’ve tried to make it a little tricky, but if you’ve read the discussion above it should be easy.  Question:  Ito, a stockbroker, lives and works in Massachusetts, a state that has modeled its rules of procedure after the Federal Rules. He is served in Massachusetts with the complaint and summons in an action Ervin has brought against him in a Nevada court, seeking recovery for misrepresentation in the sale of stock. Assume that Nevada requires a defendant to challenge jurisdiction through the traditional special appearance. Ito’s attorney files a special appearance in the Nevada court objecting to the court’s jurisdiction. A week later, while the objection is pending, he files a motion to dismiss claiming that the case was not filed within the applicable statute of limitations. The court would  Options:  A. hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance.  B. conclude that Ito had waived his objection to personal jurisdiction by raising the limitations issue.  C. consider both objections, since it would apply the Massachusetts approach to raising jurisdictional objections.  D. conclude that Ito had improperly raised his jurisdictional objection, but still consider it and dismiss if it appears that there is no proper basis for jurisdiction over him.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  By the way, here’s a quick point on exam-taking strategy, which I may already have made but is worth repeating. The question asks you to assume that Nevada follows the special appearance approach. Suppose that you happen to know that Nevada doesn’t follow that approach anymore? What would you do in answering the question? Remember that the professor is the boss in writing her exam. If she asks you to assume that under Nevada law the court orders the immediate execution in the public square of a defendant who objects to jurisdiction, you should answer the question on that assumption. I wouldn’t recommend answering on the basis of personal knowledge that Nevada actually uses a different rule. This isn’t the real world, it’s a constructed hypothetical and should be answered on its own terms. The real loser here is C. The Nevada court will, of course, apply its own rules concerning the procedure for raising jurisdictional objections in a Nevada law suit. And, the question indicates, its rule is that a defendant waives her objection to personal jurisdiction, even if she comes into court and raises it, if she also raises other arguments. That is just what Ito did here; he objected to jurisdiction, but then raised a defense on the merits as well. True, he raised the objection to personal jurisdiction first, but under (the assumed) Nevada law any response that appears to litigate the substantive issues in the case waives the special appearance and consents to the jurisdiction of the court. So A isn’t quite right; although Ito properly made a special appearance, his later motion raising the limitations issue waives his objection to jurisdiction. Ito should have waited to make his second motion until the personal jurisdiction issue was resolved. D is interesting. Might the court agree that Ito had made a procedural misstep, but still consider the jurisdictional issue, if it appears that the court lacks a basis for requiring Ito to defend in Nevada? Almost certainly not. The point of the special appearance rule is that an appearance that contests any issue other than jurisdiction is a consent to the court’s jurisdiction. Thus, even if Ito has no minimum contacts with Nevada, and there is no other basis for suing him there, his counsel’s in- court conduct of arguing to the merits constitutes a voluntary submission to the court’s jurisdiction. Unlike an objection to the court’s subject matter jurisdiction, the personal jurisdiction objection may be waived. The very point of the special appearance rule is that the defendant waives it by combining it with other objections. Consequently, the court need not consider whether there is some other basis for exercising jurisdiction over Ito. B is the best answer. By the procedural faux pas of asserting the limitations objection, Ito has waived his objection to personal jurisdiction and the court will proceed to hear the case. It is true that, if Ito’s lawyer had filed the same two objections in a state that uses the Federal Rules approach, his objection to personal jurisdiction would not be waived. But he didn’t. The special appearance approach is more restrictive, and when in Nevada, you have to do as the Nevadans do. |
| **Mistral-7B Analysis**  [1] The legal context discusses the difference between the traditional special appearance and the more flexible approach under the Federal Rules for challenging personal jurisdiction at the outset of a case.  [2] In the context of this question, Ito is a defendant in a Nevada court who has been served with a complaint and summons in an action brought against him in that court. He is a Massachusetts resident, and his attorney has filed a special appearance in the Nevada court objecting to the court's jurisdiction.  [3] However, a week later, his attorney also files a motion to dismiss for failure to state a claim and for failure to file the action within the applicable statute of limitations.  [4] According to the legal context, in a state that follows the common law special appearance approach, a defendant who objects to personal jurisdiction must be careful not to raise any issue other than personal jurisdiction during the special appearance.  [5] If the defendant strays beyond arguing jurisdiction, she is deemed to have joined issue on the merits and waived her objection to personal jurisdiction.  [6] In this case, Ito's attorney has filed a special appearance to challenge personal jurisdiction, but he has also raised the limitations issue in a motion to dismiss.  [7] Based on the legal context, raising the limitations issue in addition to the jurisdictional objection could be considered an improper joining of issues and a waiver of the objection to personal jurisdiction under the common law special appearance approach.  [8] However, Nevada requires a defendant to challenge jurisdiction through the traditional special appearance, and Ito's attorney has done so.  [9] Therefore, the court should hear and decide the jurisdictional objection, as Ito has properly raised it through the special appearance.  [Final Answer: A] |
| **Llama 3-8b Analysis**  Here is the response:  1. The first step is to identify the jurisdiction in which the case is being heard. In this case, the case is being heard in a Nevada court, which requires a defendant to challenge jurisdiction through the traditional special appearance.  2. Next, we need to determine how Ito's attorney has chosen to challenge jurisdiction. In this case, Ito's attorney has filed a special appearance in the Nevada court objecting to the court's jurisdiction.  3. The question then becomes whether Ito's attorney has properly raised the objection to jurisdiction. Since Nevada requires a defendant to challenge jurisdiction through the traditional special appearance, Ito's attorney has properly raised the objection.  4. The next step is to determine whether Ito's attorney has waived the objection to jurisdiction by raising the limitations issue. However, since Ito's attorney has properly raised the objection to jurisdiction through the traditional special appearance, he has not waived the objection.  5. Therefore, the correct answer is A. The court should hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance.  Final Answer: A. hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance. |
| **GPT-3.5-turbo Analysis:**  1. Ito's attorney filed a special appearance in the Nevada court objecting to the court's jurisdiction, which is the correct procedure in Nevada for challenging personal jurisdiction.  2. A week later, the attorney filed a motion to dismiss claiming that the case was not filed within the applicable statute of limitations. This motion is not related to personal jurisdiction, but rather goes to the merits of the case.  3. According to the legal context provided, raising an objection to personal jurisdiction along with other defenses or objections does not waive the objection to jurisdiction, as long as it is raised in the defendant's first response to the complaint.  4. Therefore, the court should hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance.  [Final Answer: A. hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance.] |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the Jurisdictional Rules\*\*: The legal context provided explains that Nevada follows the traditional common law approach of requiring a "special appearance" to challenge jurisdiction. This means that a defendant must strictly limit their appearance to the issue of jurisdiction to avoid waiving it.  2. \*\*Actions Taken by Ito's Attorney\*\*: Ito's attorney initially files a special appearance in Nevada, which is correct under Nevada's procedural rules. However, the attorney later files a motion to dismiss based on the statute of limitations.  3. \*\*Implications of Filing Additional Motions\*\*: Under the common law approach that Nevada follows, by filing a motion on the merits of the case (statute of limitations), Ito's attorney risks waiving the special appearance solely focused on jurisdiction. This is because raising issues beyond jurisdiction can be seen as submitting to the court's authority.  4. \*\*Analysis of Options\*\*:  - \*\*Option A\*\*: This option suggests that the jurisdictional objection would still be considered despite the subsequent motion on the statute of limitations. This is incorrect based on the common law rule that any argument beyond jurisdiction implies acceptance of the court's authority.  - \*\*Option B\*\*: This option aligns with the common law rule that engaging in any argument beyond jurisdiction (such as the statute of limitations) results in waiving the jurisdictional objection.  - \*\*Option C\*\*: This option incorrectly suggests that Massachusetts' procedural rules would apply in a Nevada court. Jurisdictional rules are determined by the court's location, not the defendant's residence or business location.  - \*\*Option D\*\*: This option incorrectly suggests that the court might overlook the procedural error in how the jurisdictional objection was raised and consider it anyway. This is not supported by the common law approach that Nevada follows.  [Final Answer: Option B - conclude that Ito had waived his objection to personal jurisdiction by raising the limitations issue.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The question states that Nevada requires a defendant to challenge jurisdiction through the traditional special appearance. This means that Nevada follows the common law approach to challenging personal jurisdiction.  2. Ito's attorney files a special appearance in the Nevada court objecting to the court's jurisdiction, which is the correct procedure in Nevada.  3. However, a week later, Ito's attorney files a motion to dismiss claiming that the case was not filed within the applicable statute of limitations. This is a defense on the merits, which goes beyond the scope of a special appearance.  4. According to the common law approach, a defendant who appears to object to jurisdiction must confine their appearance to that purpose. If they stray beyond arguing jurisdiction, they are deemed to be litigating the case on the merits, which implies that they accept the court's authority to adjudicate it.  5. By filing a motion to dismiss on the merits (statute of limitations), Ito's attorney has gone beyond the scope of the special appearance and has, in effect, "appeared generally" in the case.  6. Therefore, the court would conclude that Ito has waived his objection to personal jurisdiction by raising the limitations issue.  Final Answer: B. |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. The legal context provided indicates that Nevada requires a defendant to challenge jurisdiction through the traditional special appearance. (Correct)  2. Ito's attorney filed a special appearance in the Nevada court objecting to the court's jurisdiction, which is the correct procedure under Nevada law. (Correct)  3. A week later, Ito's attorney filed a motion to dismiss claiming that the case was not filed within the applicable statute of limitations. This is a separate issue from the jurisdictional objection. (Correct)  4. The legal context also mentions that under the Federal Rules, a defendant may raise objections to jurisdiction in their first response to the complaint, but this is not applicable here as Nevada follows the traditional special appearance approach. (Correct)  5. The legal context does not indicate that raising a separate issue, such as the statute of limitations, would waive the jurisdictional objection.  [Final Answer with the correct option]  A. hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance. |
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| Human Annotator Analysis of Mistral-7B:  [1] The legal context discusses the difference between the traditional special appearance and the more flexible approach under the Federal Rules for challenging personal jurisdiction at the outset of a case. (Correct)  [2] In the context of this question, Ito is a defendant in a Nevada court who has been served -with a complaint and summons in an action brought against him in that court. He is a Massachusetts resident, and his attorney has filed a special appearance in the Nevada court objecting to the court's jurisdiction. (Correct)  [3] However, a week later, his attorney also files a motion to dismiss for failure to state a claim and for failure to file the action within the applicable statute of limitations. (Hallucination) - There is factually no motion for dismissal to state a claim.  [4] According to the legal context, in a state that follows the common law special appearance approach, a defendant who objects to personal jurisdiction must be careful not to raise any issue other than personal jurisdiction during the special appearance. (Correct)  [5] If the defendant strays beyond arguing jurisdiction, she is deemed to have joined the issue on the merits and waived her objection to personal jurisdiction. (Correct)  [6] In this case, Ito's attorney has filed a special appearance to challenge personal jurisdiction, but he has also raised the limitations issue in a motion to dismiss. (Correct)  [7] Based on the legal context, raising the limitations issue in addition to the jurisdictional objection could be considered an improper joining of issues and a waiver of the objection to personal jurisdiction under the common law special appearance approach.(Correct)  [8] However, Nevada requires a defendant to challenge jurisdiction through the traditional special appearance, and Ito's attorney has done so. (Irrelevant Premise) (This did not logically follow from the previous chain and seems to have diverted the reasoning instead of arriving at the correct conclusion) (Irrelevant Premise) - Harmful in nature.  [9] Therefore, the court should hear and decide the jurisdictional objection, as Ito has properly raised it through the special appearance. (Wrong conclusion from False Premises)  Annotator remarks - The reasoning went wrong in the final conclusion [9]. The LLM could have reasoned the correct answer by logically following the flow from [7], But it went ahead and made a wrong conclusion, whether this is due to [8] is not clear.  (Cherry Picking): The reasoning in statement [9] selectively considers the initial filing of the special appearance while ignoring the subsequent actions of Ito's attorney that legally counteract the initial intent of the special appearance. This overlooks the comprehensive legal principle that any engagement beyond jurisdiction issues during a special appearance results in waiving that special appearance.  [Final Answer: A] |
| **Human Annotator Analysis of Llama 3-8b:**  Here is the response:  1. The first step is to identify the jurisdiction in which the case is being heard. In this case, the case is being heard in a Nevada court, which requires a defendant to challenge jurisdiction through the traditional special appearance.(Correct)  2. Next, we need to determine how Ito's attorney has chosen to challenge jurisdiction. In this case, Ito's attorney has filed a special appearance in the Nevada court objecting to the court's jurisdiction.(Correct)  3. The question then becomes whether Ito's attorney has properly raised the objection to jurisdiction. Since Nevada requires a defendant to challenge jurisdiction through the traditional special appearance, Ito's attorney has properly raised the objection.(Correct)  4. The next step is to determine whether Ito's attorney has waived the objection to jurisdiction by raising the limitations issue. However, since Ito's attorney has properly raised the objection to jurisdiction through the traditional special appearance, he has not waived the objection.(Correct)  5. Therefore, the correct answer is A. The court should hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance.(Wrong Conclusion from Correct Premises) - The LLM has completely ignored analyzing the later filing by Ito’s lawyer regarding statute of limitation which actually waives off personal jurisdiction.  Final Answer: A. hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. Ito's attorney filed a special appearance in the Nevada court objecting to the court's jurisdiction, which is the correct procedure in Nevada for challenging personal jurisdiction. (Correct)  2. A week later, the attorney filed a motion to dismiss claiming that the case was not filed within the applicable statute of limitations. This motion is not related to personal jurisdiction, but rather goes to the merits of the case. (Correct)  3. According to the legal context provided, raising an objection to personal jurisdiction along with other defenses or objections does not waive the objection to jurisdiction, as long as it is raised in the defendant's first response to the complaint. (Incorrect) (Misinterpretation) - This is incorrect because any engagement beyond jurisdiction issues during a special appearance results in waiving that special appearance.  4. Therefore, the court should hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance. (Incorrect) (Wrong Conclusion from False Premise)  [Final Answer: A. hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance.] |
| **Human Annotator analysis of GPT-4-turbo:**  1. \*\*Understanding the Jurisdictional Rules\*\*: The legal context provided explains that Nevada follows the traditional common law approach of requiring a "special appearance" to challenge jurisdiction. This means that a defendant must strictly limit their appearance to the issue of jurisdiction to avoid waiving it. (Correct)  2. \*\*Actions Taken by Ito's Attorney\*\*: Ito's attorney initially files a special appearance in Nevada, which is correct under Nevada's procedural rules. However, the attorney later files a motion to dismiss based on the statute of limitations. (Correct)  3. \*\*Implications of Filing Additional Motions\*\*: Under the common law approach that Nevada follows, by filing a motion on the merits of the case (statute of limitations), Ito's attorney risks waiving the special appearance solely focused on jurisdiction. This is because raising issues beyond jurisdiction can be seen as submitting to the court's authority. (Correct)  4. \*\*Analysis of Options\*\*:  - \*\*Option A\*\*: This option suggests that the jurisdictional objection would still be considered despite the subsequent motion on the statute of limitations. This is incorrect based on the common law rule that any argument beyond jurisdiction implies acceptance of the court's authority. (Correct)  - \*\*Option B\*\*: This option aligns with the common law rule that engaging in any argument beyond jurisdiction (such as the statute of limitations) results in waiving the jurisdictional objection. (Correct)  - \*\*Option C\*\*: This option incorrectly suggests that Massachusetts' procedural rules would apply in a Nevada court. Jurisdictional rules are determined by the court's location, not the defendant's residence or business location. (Correct)  - \*\*Option D\*\*: This option incorrectly suggests that the court might overlook the procedural error in how the jurisdictional objection was raised and consider it anyway. This is not supported by the common law approach that Nevada follows. (Correct)  [Final Answer: Option B - conclude that Ito had waived his objection to personal jurisdiction by raising the limitations issue.] (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The legal context provided indicates that Nevada requires a defendant to challenge jurisdiction through the traditional special appearance. (Correct)  2. Ito's attorney filed a special appearance in the Nevada court objecting to the court's jurisdiction, which is the correct procedure under Nevada law. (Correct)  3. A week later, Ito's attorney filed a motion to dismiss claiming that the case was not filed within the applicable statute of limitations. This is a separate issue from the jurisdictional objection. (Correct)  4. The legal context also mentions that under the Federal Rules, a defendant may raise objections to jurisdiction in their first response to the complaint, but this is not applicable here as Nevada follows the traditional special appearance approach. (Correct)  5. The legal context does not indicate that raising a separate issue, such as the statute of limitations, would waive the jurisdictional objection. (Misinterpretation) - Following the legal context’s description of the traditional special appearance, raising any issue other than the objection to jurisdiction waives that party’s rights to the objection.  [Final Answer with the correct option]  A. hear and decide the jurisdictional objection, since Ito has properly raised the objection by making a special appearance.  (Wrong Conclusion from Wrong Premises) - Due to the misinterpretation in premise 5, the LLM does not realize that Ito has invalidated his special appearance by moving to dismiss the case under statute of limitations, leading to the wrong answer. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The question states that Nevada requires a defendant to challenge jurisdiction through the traditional special appearance. This means that Nevada follows the common law approach to challenging personal jurisdiction. (Correct)  2. Ito's attorney files a special appearance in the Nevada court objecting to the court's jurisdiction, which is the correct procedure in Nevada. (Correct)  3. However, a week later, Ito's attorney files a motion to dismiss claiming that the case was not filed within the applicable statute of limitations. This is a defense on the merits, which goes beyond the scope of a special appearance. (Correct)  4. According to the common law approach, a defendant who appears to object to jurisdiction must confine their appearance to that purpose. If they stray beyond arguing jurisdiction, they are deemed to be litigating the case on the merits, which implies that they accept the court's authority to adjudicate it. (Correct)  5. By filing a motion to dismiss on the merits (statute of limitations), Ito's attorney has gone beyond the scope of the special appearance and has, in effect, "appeared generally" in the case. (Correct)  6. Therefore, the court would conclude that Ito has waived his objection to personal jurisdiction by raising the limitations issue. (Correct)  Final Answer: B. |

### 8. In Mullane v. Central Hanover Bank & Trust Co…

| **8.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The Due Process Clause of the Fourteenth Amendment prohibits a state from depriving a person of life, liberty, or property without due process of law. When a court enters a civil judgment against a person, it begins the process of taking the person’s property (usually in the form of money). Consequently, the due process clause requires the court to use a fair procedure in entering judgment. Certainly, one component of a fair procedure is to tell the defendant that the court is going to adjudicate her rights. Hence, the Due Process Clause requires a court to use a constitutionally adequate means of notifying the defendant that a lawsuit has been commenced against her. Typically, it is the plaintiff who does the legwork of serving process on the defendant. The statutes or court rules in every state contain detailed provisions governing how this notice of a lawsuit is provided to the defendant. Court rules may authorize various means of serving process. The most obvious is to deliver the initiating papers in the case to the defendant in person, called ‘‘personal service of process.’’ Other methods are often authorized as well, though they are less certain to actually inform the defendant about the suit. The service rules may provide, for example, that the papers may be left with someone at the defendant’s home or place of business or slipped under the door. Some authorize service to the defendant by certified or ordinary mail. In some circumstances, court rules or statutes may authorize service by publication, by printing a notice of the suit in the legal notices in the local newspaper for several weeks. Such publication notice is sometimes referred to as ‘‘constructive service,’’ as opposed to actual delivery of the papers to the defendant. Which of these methods is constitutionally adequate under the Due Process Clause? Justice Jackson’s wise opinion in Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950) does not provide a mechanical answer to that question, but instead establishes broad standards for constitutionally adequate notice. Mullane involved a device called a common trust fund, which allowed a bank to pool a group of small trusts into one common fund, which could be managed more efficiently. Income (or losses) from the trust would then be shared by each smaller trust in proportion to their contributions to the fund. Periodically, the trustee of the fund would file accounts with the court. If the court approved the accounts, its judgment would bar investors from suing the bank for mismanagement. Since this judicial accounting could deprive trust beneficiaries of property—the right to sue the bank for mismanagement—due process required adequate notice to them of the proceeding. The problem in Mullane was that it was difficult to ascertain who all the beneficiaries were. Beneficiaries currently entitled to receive income from the trust were known, and the bank had their addresses in its files. But most trusts have contingent beneficiaries, such as the children or heirs of a beneficiary if the primary beneficiary dies. The bank might not know who these beneficiaries were, and they could change periodically. Perhaps, with a large investment of time by lawyers and investigators, the bank could identify most them, but doing so would eat up the profits of the common trust fund. Many were contingent beneficiaries; that is, they had no current right to receive income from the fund but might become vested beneficiaries later under the terms of the individual trusts. So who did the bank have to tell about the suit and how? Mullane held that ‘‘an elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’’ 339 U.S. at 314. What is reasonable in one circumstance would not necessarily satisfy due process in another. On the facts of Mullane, several factors reduced the risk of error if notice failed to reach all beneficiaries. First, the statute provided for the appointment of a guardian in the settlement proceeding to represent the interests of all beneficiaries. Second, even if all beneficiaries did not receive notice of the proceeding, many would, and would likely share and represent the interests of all beneficiaries in the settlement of the accounts. Consequently, the Court in Mullane did not require that each individual with an interest in the fund be given personal notice of the action. The question below probes what it did require.  (A notice of pendency of action, also known as a lis pendens, is a legal document that notifies the public of a judicial proceeding that affects real property ownership. It's usually filed in the county recorder's office where the property is located.)  Question:  In Mullane v. Central Hanover Bank & Trust Co., the Supreme Court held that    Options:  A. every person whose interests may be affected by a judicial proceeding is entitled to at least mail notice of the proceeding.  B. every person whose name and address could be ascertained through reasonable investigation must be given individual notice of the proceeding.  C. any person whose interests might be affected by the proceeding must be given notice by in-hand service of process.  D. due to the large number of persons whose interests might be affected by the proceedings, notice by publication was sufficient on the facts of the case.  E. None of the above is true.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  A takes the position that everyone who might be affected by the settlement of the accounts must receive individual notice. If that were true, it would be impossible to settle the accounts of the trust. Even some beneficiaries with a current right to income may be impossible to find; if due process required individual notice to them it couldn’t be done. Other people have contingent interests: They might get income in the future, for example, as the heir of a current beneficiary. The bank may not know who these contingent beneficiaries are, though it might be able, with research, to find some of them. Justice Jackson viewed due process as a flexible concept that involves a balance of the importance of the right involved, the risk of an erroneous decision, the cost of providing individual notice, and the likelihood that the absentee’s interest would be protected by other parties. He rejected the view that everyone with some interest in the action must be individually notified for it to proceed. B would impose a lesser burden: to notify the persons whose interests could be ascertained with reasonable investigation. This could be done, but it would be costly, involving legal review of trusts and factual research on the whereabouts of all identified beneficiaries. This would more effectively reach affected persons, but the cost of doing so would likely impose such a severe burden on the plan as to ‘‘dissipate its advantages.’’ 339 U.S. at 318. Under the circumstances—including the presence of the guardian appointed to represent the interests of beneficiaries and the actual notice to many of them—the Court held that due process did not require that. Consequently, a beneficiary might never learn of the proceeding, have her right to object to the accounts foreclosed by it, and have no constitutional complaint. C is also a loser. Mullane held that notice by mail is sufficiently likely to actually inform a person of the proceeding to be constitutionally sufficient under most circumstances. In fact, Mullane did not hold that anyone had to be notified of the suit by personal service of process—that is, by in-hand delivery of the papers. And D fails as well. The Court required at least mail notice of the action to those beneficiaries whose names and addresses were known to the bank, since they could easily and inexpensively be informed of the action. So E is right. None of the prior statements is quite true. |
| **Mistral-7B Analysis**  [1] The case of Mullane v. Central Hanover Bank & Trust Co. involved a common trust fund where the bank pooled multiple trusts into one fund for more efficient management. The trustee would file accounts with the court, and if approved, the judgment would bar investors from suing the bank for mismanagement, potentially depriving them of their property right to sue. The issue was who the bank had to notify about the suit and how.  [2] The Supreme Court held that due process requires notice reasonably calculated to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. What is reasonable in one circumstance may not be in another. In Mullane, several factors reduced the risk of error if notice failed to reach all beneficiaries: the appointment of a guardian to represent their interests, and the likelihood that many beneficiaries would receive notice and share the interests of all beneficiaries in the settlement of the accounts.  [3] Based on the information provided in the case, the Court did not require that each individual with an interest in the fund be given personal notice of the action. Instead, the Court focused on the reasonableness of the notice given under the circumstances.  [4] Therefore, the correct answer is D: due to the large number of persons whose interests might be affected by the proceedings, notice by publication was sufficient on the facts of the case.  [Final Answer: D] |
| **Llama 3-8b Analysis**  Here is my response:  \*\*Explanation of legal reasoning:\*\*  1. The Due Process Clause requires a court to use a fair procedure in entering judgment, which includes providing notice to the defendant.  2. The Supreme Court in Mullane v. Central Hanover Bank & Trust Co. established broad standards for constitutionally adequate notice, stating that notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections."  3. The Court did not require that each individual with an interest in the fund be given personal notice of the action, but instead considered several factors that reduced the risk of error if notice failed to reach all beneficiaries.  4. These factors included the appointment of a guardian to represent the interests of all beneficiaries and the likelihood that many beneficiaries would receive notice and represent the interests of all beneficiaries in the settlement of the accounts.  \*\*Final Answer:\*\*  The correct option is A. Every person whose interests may be affected by a judicial proceeding is entitled to at least mail notice of the proceeding.  This answer is supported by the Supreme Court's holding in Mullane v. Central Hanover Bank & Trust Co., which established that notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." While the Court did not require personal notice to each individual with an interest in the fund, it did require that notice be provided to all interested parties, which would include those whose interests may be affected by the proceeding. Therefore, option A is the correct answer. |
| **GPT-3.5-turbo Analysis:**  1. The Supreme Court in Mullane v. Central Hanover Bank & Trust Co. held that due process requires notice that is "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." This means that the notice must be sufficient to reach those whose interests may be affected by the proceeding.  2. In Mullane, the Court did not require that each individual with an interest in the fund be given personal notice of the action. Instead, the Court considered factors such as the appointment of a guardian to represent the interests of all beneficiaries and the likelihood that many beneficiaries would share and represent the interests of all in the settlement of the accounts.  3. Therefore, the correct option is: B. every person whose name and address could be ascertained through reasonable investigation must be given individual notice of the proceeding.  [Final Answer: B. every person whose name and address could be ascertained through reasonable investigation must be given individual notice of the proceeding.] |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the Due Process Requirement\*\*: The Due Process Clause of the Fourteenth Amendment requires that no person be deprived of life, liberty, or property without due process of law. This includes the requirement that individuals must receive adequate notice of any legal proceedings that may affect their rights, so they have an opportunity to respond.  2. \*\*Review of Mullane v. Central Hanover Bank & Trust Co.\*\*: In Mullane, the Supreme Court addressed the issue of what constitutes adequate notice under the Due Process Clause when the identities of all potentially affected individuals are not easily ascertainable. The case involved a common trust fund where not all beneficiaries were known or easily identifiable.  3. \*\*The Court's Decision in Mullane\*\*: The Supreme Court held that notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." This means that the method of notice must be chosen based on its likelihood to actually inform those affected by the proceeding.  4. \*\*Analysis of the Options in Light of Mullane\*\*:  - \*\*Option A\*\*: Suggests that mail notice is required for every person affected. However, Mullane does not establish mail as a minimum standard for all cases; it depends on the circumstances.  - \*\*Option B\*\*: States that individual notice must be given to every person whose name and address could be ascertained through reasonable efforts. This aligns with the Supreme Court's emphasis on reasonable efforts to notify those affected based on available information.  - \*\*Option C\*\*: Requires in-hand service for any affected person. This exceeds the requirements set forth in Mullane, which did not mandate in-hand service for all affected individuals.  - \*\*Option D\*\*: Claims that notice by publication alone was deemed sufficient in Mullane. This is incorrect, as the Court required a combination of methods that were reasonably calculated to inform affected parties.  - \*\*Option E\*\*: This option is a general negation without specifics and does not accurately reflect the decision in Mullane.  5. \*\*Conclusion\*\*: The Supreme Court in Mullane emphasized the need for a method of notice that is reasonably calculated to inform affected individuals, which may include individual notice where names and addresses are available through reasonable efforts.  [Final Answer: B. every person whose name and address could be ascertained through reasonable investigation must be given individual notice of the proceeding.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The Due Process Clause requires that a court use a fair procedure in entering judgment, which includes providing constitutionally adequate notice to the defendant that a lawsuit has been commenced against them.  2. In Mullane v. Central Hanover Bank & Trust Co., the Supreme Court established broad standards for constitutionally adequate notice, stating that notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections."  3. The Court in Mullane did not require that each individual with an interest in the fund be given personal notice of the action, due to the difficulty in ascertaining the identities of all beneficiaries and the fact that many beneficiaries would likely share and represent the interests of all beneficiaries in the settlement of the accounts.  4. However, the Court did emphasize the importance of providing notice to those whose names and addresses could be ascertained through reasonable investigation.  5. Option A is incorrect because the Court did not hold that every person whose interests may be affected by a judicial proceeding is entitled to at least mail notice of the proceeding.  6. Option C is incorrect because the Court did not require that any person whose interests might be affected by the proceeding must be given notice by in-hand service of process.  7. Option D is incorrect because the Court did not hold that notice by publication was sufficient on the facts of the case.  8. Option E is incorrect because one of the options above is indeed true.  9. Option B is the correct answer because it accurately reflects the Court's holding in Mullane that those whose names and addresses could be ascertained through reasonable investigation must be given individual notice of the proceeding.  Final Answer: B. |
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| **Human Annotator Analysis of Reasoning Chain 2:**  **Mistral-7B Analysis**  [1] The case of Mullane v. Central Hanover Bank & Trust Co. involved a common trust fund where the bank pooled multiple trusts into one fund for more efficient management. The trustee would file accounts with the court, and if approved, the judgment would bar investors from suing the bank for mismanagement, potentially depriving them of their property right to sue. The issue was who the bank had to notify about the suit and how. (Correct)  [2] The Supreme Court held that due process requires notice reasonably calculated to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. What is reasonable in one circumstance may not be in another. In Mullane, several factors reduced the risk of error if notice failed to reach all beneficiaries: the appointment of a guardian to represent their interests, and the likelihood that many beneficiaries would receive notice and share the interests of all beneficiaries in the settlement of the accounts. (Correct)  [3] Based on the information provided in the case, the Court did not require that each individual with an interest in the fund be given personal notice of the action. Instead, the Court focused on the reasonableness of the notice given under the circumstances.(Correct)  [4] Therefore, the correct answer is D: due to the large number of persons whose interests might be affected by the proceedings, notice by publication was sufficient on the facts of the case. (Wrong Conclusion from Incomplete Premises) - the LLM assumed on its own that notice by publication is sufficient, whereas the court ruling in Mullane, even though focusing on the reasonableness of the notice given in such circumstances, never mentioned that notice by publication was the right way! The ruling went for representation by Guardianship and Common Interests representation)  Step [4] simplifies the Court's nuanced position into a broad and incorrect generalization. While the Court did acknowledge the use of publication notice as part of the process, it did not conclude that publication alone was sufficient under the circumstances of this specific case.  [Final Answer: D] |
| **Human Annotator Analysis of Llama 3-8b:**  Here is my response:  \*\*Explanation of legal reasoning:\*\*  1. The Due Process Clause requires a court to use a fair procedure in entering judgment, which includes providing notice to the defendant.(Misinterpretation) The LLM misinterprets the text by concluding that a notice to the defendant is necessary even though the text suggests that it would be impossible to settle the accounts of the trust if that were the case.  2. The Supreme Court in Mullane v. Central Hanover Bank & Trust Co. established broad standards for constitutionally adequate notice, stating that notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections."(Correct)  3. The Court did not require that each individual with an interest in the fund be given personal notice of the action, but instead considered several factors that reduced the risk of error if notice failed to reach all beneficiaries.(Correct)  4. These factors included the appointment of a guardian to represent the interests of all beneficiaries and the likelihood that many beneficiaries would receive notice and represent the interests of all beneficiaries in the settlement of the accounts.(Wrong Conclusion from False premises) - The LLM ignored the crucial detail that Justice Jackson rejected the view that everyone with some interest in the action must be individually notified for it to proceed.  \*\*Final Answer:\*\*  The correct option is A. Every person whose interests may be affected by a judicial proceeding is entitled to at least mail notice of the proceeding.  This answer is supported by the Supreme Court's holding in Mullane v. Central Hanover Bank & Trust Co., which established that notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." While the Court did not require personal notice to each individual with an interest in the fund, it did require that notice be provided to all interested parties, which would include those whose interests may be affected by the proceeding. Therefore, option A is the correct answer.  Annotator Remarks:  The LLM made a false conclusion from all the partially correct premises and misinterpreted points 1 and 4. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The Supreme Court in Mullane v. Central Hanover Bank & Trust Co. held that due process requires notice that is "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." This means that the notice must be sufficient to reach those whose interests may be affected by the proceeding. (Correct)  2. In Mullane, the Court did not require that each individual with an interest in the fund be given personal notice of the action. Instead, the Court considered factors such as the appointment of a guardian to represent the interests of all beneficiaries and the likelihood that many beneficiaries would share and represent the interests of all in the settlement of the accounts. (Correct)  Justice Jackson rejected the view that everyone with some interest in the action must be individually notified for it to proceed.  3. Therefore, the correct option is: B. every person whose name and address could be ascertained through reasonable investigation must be given individual notice of the proceeding. (Incorrect) (Misinterpretation) - Legal review of trusts and factual research on the whereabouts of all identified beneficiaries would be costly. Under the circumstances, the court held that due process did not require that. Consequently, a beneficiary might never learn of the proceeding, have her right to object to the accounts foreclosed by it, and have no constitutional complaint.  [Final Answer: B. every person whose name and address could be ascertained through reasonable investigation must be given individual notice of the proceeding.] |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the Due Process Requirement\*\*: The Due Process Clause of the Fourteenth Amendment requires that no person be deprived of life, liberty, or property without due process of law. This includes the requirement that individuals must receive adequate notice of any legal proceedings that may affect their rights, so they have an opportunity to respond. (correct)  2. \*\*Review of Mullane v. Central Hanover Bank & Trust Co.\*\*: In Mullane, the Supreme Court addressed the issue of what constitutes adequate notice under the Due Process Clause when the identities of all potentially affected individuals are not easily ascertainable. The case involved a common trust fund where not all beneficiaries were known or easily identifiable. (correct)  3. \*\*The Court's Decision in Mullane\*\*: The Supreme Court held that notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." This means that the method of notice must be chosen based on its likelihood to actually inform those affected by the proceeding. (correct)  4. \*\*Analysis of the Options in Light of Mullane\*\*:  - \*\*Option A\*\*: Suggests that mail notice is required for every person affected. However, Mullane does not establish mail as a minimum standard for all cases; it depends on the circumstances. (correct)  - \*\*Option B\*\*: States that individual notice must be given to every person whose name and address could be ascertained through reasonable efforts. This aligns with the Supreme Court's emphasis on reasonable efforts to notify those affected based on available information. (Cherry Picking) - The LLM specifically ignores the part of ‘**Perhaps, with a large investment of time by lawyers and investigators, the bank could identify most them, but doing so would eat up the profits of the common trust fund**’ which states that giving notice to every person through investigation and research would decrease the profits of the trust fund. The statute of Mullane instead wanted a. Appointment of Guardian and b. People ,who could be inexpensively reached, representing the interests of others who could not be easily reached.  - \*\*Option C\*\*: Requires in-hand service for any affected person. This exceeds the requirements set forth in Mullane, which did not mandate in-hand service for all affected individuals. (correct)  - \*\*Option D\*\*: Claims that notice by publication alone was deemed sufficient in Mullane. This is incorrect, as the Court required a combination of methods that were reasonably calculated to inform affected parties. (correct)  - \*\*Option E\*\*: This option is a general negation without specifics and does not accurately reflect the decision in Mullane. (Wrong Elimination by Misinterpretation) - Since the LLM chooses option B to be correct, it has chosen this option to be incorrect.  5. \*\*Conclusion\*\*: The Supreme Court in Mullane emphasized the need for a method of notice that is reasonably calculated to inform affected individuals, which may include individual notice where names and addresses are available through reasonable efforts.(Wrong Conclusion from False Premise and Wrong Elimination)  [Final Answer: B. every person whose name and address could be ascertained through reasonable investigation must be given individual notice of the proceeding.] |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The Due Process Clause requires a fair procedure, including adequate notice to the defendant, when a court enters a civil judgment against a person. (Correct)  2. The Supreme Court in Mullane v. Central Hanover Bank & Trust Co. established broad standards for constitutionally adequate notice, stating that notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." (Correct)  3. The Court considered the difficulty of ascertaining all beneficiaries in the case and the potential for error if notice failed to reach all beneficiaries. (Correct)  4. The Court did not require that each individual with an interest in the fund be given personal notice of the action. (Correct)  5. The Court held that due to the large number of persons whose interests might be affected by the proceedings, notice by publication was sufficient on the facts of the case. (Contextual Misinterpretation) - The legal context states that requiring “‘an elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections’” was the ruling in the Mullane case. Given that the bank in the Mullane case had the names and addresses of some of the involved people, it would be reasonable to expect the bank to provide personal service of process to them.  [Final Answer with the correct option]  D. due to the large number of persons whose interests might be affected by the proceedings, notice by publication was sufficient on the facts of the case. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The Due Process Clause requires that a court use a fair procedure in entering judgment, which includes providing constitutionally adequate notice to the defendant that a lawsuit has been commenced against them.  2. In Mullane v. Central Hanover Bank & Trust Co., the Supreme Court established broad standards for constitutionally adequate notice, stating that notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections."  3. The Court in Mullane did not require that each individual with an interest in the fund be given personal notice of the action, due to the difficulty in ascertaining the identities of all beneficiaries and the fact that many beneficiaries would likely share and represent the interests of all beneficiaries in the settlement of the accounts.  4. However, the Court did emphasize the importance of providing notice to those whose names and addresses could be ascertained through reasonable investigation.  5. Option A is incorrect because the Court did not hold that every person whose interests may be affected by a judicial proceeding is entitled to at least mail notice of the proceeding.  6. Option C is incorrect because the Court did not require that any person whose interests might be affected by the proceeding must be given notice by in-hand service of process.  7. Option D is incorrect because the Court did not hold that notice by publication was sufficient on the facts of the case.  8. Option E is incorrect because one of the options above is indeed true.  9. Option B is the correct answer because it accurately reflects the Court's holding in Mullane that those whose names and addresses could be ascertained through reasonable investigation must be given individual notice of the proceeding.  Final Answer: B. |

### 9. Dziezek, who resides in the Southern District of Indiana…

| **9.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Venue in most federal actions is governed by 28 U.S.C. §1391(b), which provides: (b) Venue in general. A civil action may be brought in— (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, a judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action. Note that subsections 1 and 2 are alternatives. Venue is proper in a district where either a defendant resides (if they are all residents of the state where the action is brought) or a district in which a substantial part of the events giving rise to the claim took place. Section 1391(b)(3) is a ‘‘fallback’’ venue provision that is only available in unusual circumstances: when there is no district, anywhere in the United States, where venue would be proper under subsection (b)(1) or (b)(2). If the defendants all reside in the state where suit is brought, or if a substantial part of the events giving rise to the claim occurred in some federal judicial district, or if property that is the subject of the action is found in a district, §1391(b)(3) cannot apply, because there will be at least one district in which venue is proper under §1391(b)(1) or (b)(2). Note also that there is a nasty proviso in 28 U.S.C. §1391(a) that poses a trap for the unwary: The first sentence of that subsection provides that the venue options in §1391(b) apply ‘‘except as otherwise provided by law.’’ Section 1391 is a general venue statute that applies unless there is a special venue statute for the type of claim the plaintiff brings. The United States Code has many specialized venue provisions for particular types of actions. See, e.g., 28 U.S.C. §1402 (tort action against the United States must be brought in the district where the plaintiff resides or wherein the act or omission complained of occurred). If there is a special venue statute for a particular type of claim, it may be interpreted as displacing the general venue choices in §1391(b)—that is, as providing alternative, exclusive venue choices for such claims—or as providing additional venue choices for those claims, along with those in §1391(b). See generally, Wright & Miller §3803. To sort out the basics of §1391(b), try the following question. Assume for all examples in the chapter that no special venue statute applies. In answering these questions, please do refer to the venue statutes. Once again, my questions are based on the assumption that you have the Federal Rules book available, so you can refer to relevant statutes and rules, rather than memorizing them. I want to test my students’ ability to apply provisions like the venue statutes or Federal Rules, rather than their memory of them. Needless to say, you should find out your professor’s policy on bringing materials into the exam before you prepare for it. If she doesn’t allow you to refer to the rules book, you obviously need to spend more time memorizing statutes and rules.  Question:  Dziezek, who resides in the Southern District of Indiana, sues Torruella and Hopkins. Torruella resides in the Western District of Kentucky. Hopkins resides in the Western District of Tennessee. Dziezek sues them both for damages arising out of a business deal for the financing of a subdivision Dziezek planned to build in the Southern District of Ohio. His claim against Torruella is for fraud, his claim against Hopkins is for fraud and for violation of the Federal Truth in Lending Act. The negotiations between the parties for the financing took place in the Western District of Tennessee. Dziezek claimed that, after the defendants had provided the first installment of financing for the project, and he had commenced construction, they refused to provide subsequent payments to the contractor, who consequently did not complete the project. Venue in Dziezek’s action would be proper in  Options:  A. the Western District of Kentucky.  B. the Southern District of Indiana.  C. the Southern District of Ohio.  D. Both A and C are true.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  Let’s see. Under §1391(b)(1), venue is proper in a district where all defendants reside. But here they don’t all reside in the same district. Nor do they reside in different districts within the same state (in which case the district where either resides would be a proper venue). So §1391(b)(1) doesn’t provide any venue options for Dziezek. He’ll have to look to §1391(b)(2) or (b)(3). Section 1391(b)(2) is more fruitful. It allows venue in a district where a substantial part of the events or omissions giving rise to the claim took place, or where property that is the subject of the action is located. Here, you might argue that the property in the Southern District of Ohio, where the subdivision is being built, is the subject of the action. This is doubtful, since the action is for fraud, not to establish an interest in the real estate. However, venue is proper in the Southern District of Ohio anyway. Arguably, the partial construction of the subdivision in that district was a substantial part of the events giving rise to the claim. But perhaps not; the claim really arises from the refusal of financing, not from the construction itself. A stronger argument—and I think it’s a winner—is that the omission to pay the contractor on the job took place in the Southern District of Ohio, so that is ‘‘a substantial part of the . . . omissions giving rise to the claim.’’ So C is a correct answer. But B is clearly not: the plaintiff’s residence is not one of the venue options in §1391(b). So the remaining question is whether the Western District of Kentucky, where Torruella resides, is a proper venue. Venue isn’t proper there under §1391(b)(1), which only applies if all defendants reside in districts within the same state. Here, only Torruella resides in Kentucky. Section 1391(b)(3) authorizes jurisdiction—in some cases—in ‘‘a judicial district in which any defendant is subject to personal jurisdiction with respect to such action.’’ Here, Hopkins presumably is subject to personal jurisdiction in the Western District of Kentucky, since he resides there and could be served with process there. However, §1391(b) (3) is not available in this case. That section only applies if there is no other district where the case can be brought under subsection (1) or (2). Here, the Southern District of Ohio is proper. The Western District of Tennessee, where the parties negotiated the contract, would also be proper under §1391 (b)(2). Since Dziezek could choose either of those districts under subsection 2, and both defendants would be subject to jurisdiction there based on their involvement in the subdivision project, §1391(b)(3) never comes into play. Consequently, C is the right answer. |
| **Mistral-7B answer:**  [1] According to 28 U.S.C. 1391(b), venue is proper in a district where either a defendant resides (if they are all residents of the state where the action is brought) or a substantial part of the events giving rise to the claim occurred.  [2] In this case, Dziezek is a resident of the Southern District of Indiana. One defendant, Torruella, is a resident of the Western District of Kentucky. The other defendant, Hopkins, is a resident of the Western District of Tennessee.  [3] The events giving rise to the claim occurred in the Western District of Tennessee, where the negotiations for the financing took place.  [4] Since one defendant, Torruella, is a resident of a different state (Kentucky) than where the action is brought (Indiana), and a substantial part of the events giving rise to the claim occurred in a different district (Western District of Tennessee), venue is proper in the district where a substantial part of the events giving rise to the claim occurred, according to 28 U.S.C. 1391(b)(2).  [5] Therefore, the correct answer is B. the Western District of Tennessee. |
| **Llama-3-8B answer:**  Here's my answer:  Explanation of legal reasoning:   1. The first step is to determine if any of the defendants reside in the state where the action is brought. In this case, Dziezek resides in the Southern District of Indiana, but neither Torruella nor Hopkins reside in Indiana. Therefore, option B, the Southern District of Indiana, is not a viable option. 2. The next step is to determine if a substantial part of the events or omissions giving rise to the claim occurred in a particular district. The negotiations between the parties took place in the Western District of Tennessee, but the events giving rise to the claim (the refusal to provide subsequent payments and the non-completion of the project) occurred in the Southern District of Ohio, where the subdivision was being built. Therefore, option C, the Southern District of Ohio, is a viable option. 3. Since the defendants do not all reside in the same state, option A, the Western District of Kentucky, is not a viable option under subsection (1) of 28 U.S.C. §1391(b). 4. Since a substantial part of the events giving rise to the claim occurred in the Southern District of Ohio, option C, the Southern District of Ohio, is also a viable option under subsection (2) of 28 U.S.C. §1391(b). 5. Since there is no district in which all defendants reside, subsection (3) of 28 U.S.C. §1391(b) is not applicable.   Final Answer:  The correct option is D. Both A and C are true. |
| **GPT-3.5-turbo Analysis:**  1. Dziezek resides in the Southern District of Indiana, which means venue would be proper in that district under 28 U.S.C. §1391(b)(1) since at least one defendant resides in the state where the district is located.  2. A substantial part of the events giving rise to the claim occurred in the Western District of Tennessee where the negotiations for the financing took place. This would make venue proper in that district under 28 U.S.C. §1391(b)(2).  3. Since subsections 1 and 2 are alternatives, venue can be proper in either the district where a defendant resides or where a substantial part of the events giving rise to the claim occurred.  4. Therefore, the correct option is \*\*D. Both A and C are true\*\* because venue would be proper in the Western District of Kentucky (where Torruella resides) and the Southern District of Ohio (where a substantial part of the events giving rise to the claim occurred). |
| **GPT-4-turbo Analysis:**  1. \*\*Analysis of Venue Under 28 U.S.C. §1391(b)(1)\*\*: This subsection allows a civil action to be brought in a judicial district where any defendant resides, provided all defendants are residents of the state in which the district is located. In this case, Torruella resides in the Western District of Kentucky, and Hopkins resides in the Western District of Tennessee. Since the defendants reside in different states, subsection (b)(1) does not apply.  2. \*\*Analysis of Venue Under 28 U.S.C. §1391(b)(2)\*\*: This subsection allows a civil action to be brought in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. The negotiations for the financing, which are central to the claims of fraud and violation of the Federal Truth in Lending Act, took place in the Western District of Tennessee. Additionally, the planned subdivision, which is the subject of the action, is located in the Southern District of Ohio. Therefore, venue could be proper in either district where substantial parts of the events giving rise to the claims occurred.  3. \*\*Exclusion of 28 U.S.C. §1391(b)(3)\*\*: This is a fallback provision used only when no other district under subsections (b)(1) or (b)(2) is applicable. Since we have identified proper venues under subsection (b)(2), subsection (b)(3) does not apply here.  4. \*\*Conclusion\*\*: Based on the analysis, the Western District of Tennessee is a proper venue because it is where the negotiations took place, and the Southern District of Ohio is also a proper venue because it is where the property subject to the action is situated. The Western District of Kentucky does not have a substantial connection to the events giving rise to the claims, and the Southern District of Indiana is not mentioned as having any substantial part of the events or property.  [Final Answer: D. Both A and C are true.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. According to 28 U.S.C. §1391(b), there are three possible venues where a civil action may be brought: (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, a judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.  2. In this case, the defendants, Torruella and Hopkins, reside in different states (Kentucky and Tennessee, respectively). Therefore, option (1) under §1391(b) is not applicable because not all defendants are residents of the same state.  3. The negotiations between the parties took place in the Western District of Tennessee, but the claim arose out of a business deal for the financing of a subdivision in the Southern District of Ohio. The refusal to provide subsequent payments also affected the project in the Southern District of Ohio. Therefore, a substantial part of the events giving rise to the claim occurred in the Southern District of Ohio, making it a proper venue under §1391(b)(2).  4. Although Torruella resides in the Western District of Kentucky, the fact that a substantial part of the events giving rise to the claim occurred in the Southern District of Ohio makes the Western District of Kentucky not the only proper venue. However, since Torruella resides in the Western District of Kentucky, and §1391(b)(1) is not applicable, we can consider if the Western District of Kentucky would be a proper venue under §1391(b)(2) as well. The fact that Torruella resides in the Western District of Kentucky does not automatically make it a proper venue under the circumstances, but the fact that the claim against Torruella is for fraud, which presumably took place where he resides, could be considered as part of the events giving rise to the claim.  5. Considering the above points, both the Southern District of Ohio and the Western District of Kentucky could be considered proper venues under §1391(b)(2).  6. Since option D states "Both A and C are true", and based on the analysis above, both the Western District of Kentucky (A) and the Southern District of Ohio (C) can be considered proper venues, option D is the correct answer.  Final Answer: D |
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| **Human Annotator Analysis of Mistral-7B:**  [1] According to 28 U.S.C. §1391(b), venue is proper in a district where either a defendant resides (if they are all residents of the state where the action is brought) or a substantial part of the events giving rise to the claim occurred. (Correct)  [2] In this case, Dziezek is a resident of the Southern District of Indiana. One defendant, Torruella, is a resident of the Western District of Kentucky. The other defendant, Hopkins, is a resident of the Western District of Tennessee. (Correct)  [3] The events giving rise to the claim occurred in the Western District of Tennessee, where the negotiations for the financing took place. (Correct)  [4] Since one defendant, Torruella, is a resident of a different state (Kentucky) than where the action is brought (Indiana), and a substantial part of the events giving rise to the claim occurred in a different district (Western District of Tennessee), venue is proper in the district where a substantial part of the events giving rise to the claim occurred, according to 28 U.S.C. §1391(b)(2). (Misinterpretation + Hallucination) - The action did not take place in Indiana. Dziezek is a resident of the Southern District of Indiana.  While [3] is correct, the answer it is leading to does not exist in the option. Further reasoning needs to be done to arrive at the other correct answer ‘the Southern District of Ohio’.  [5] Therefore, the correct answer is B. the Western District of Tennessee.  (Hallucination) - option B is actually ‘the Southern District of Indiana’. The LLM brute forced its way to somehow show Western District of Tennessee as the answer.  (Wrong Conclusion from False Premises) - This conclusion was influenced by the incorrect belief in [4] that the events causing the claim occurred in the Western District of Tennessee |
| **Human Annotator Analysis of Llama-3-8B:**  Here's my answer:  Explanation of legal reasoning:   1. The first step is to determine if any of the defendants reside in the state where the action is brought. In this case, Dziezek resides in the Southern District of Indiana, but neither Torruella nor Hopkins reside in Indiana. Therefore, option B, the Southern District of Indiana, is not a viable option. (Correct) 2. The next step is to determine if a substantial part of the events or omissions giving rise to the claim occurred in a particular district. The negotiations between the parties took place in the Western District of Tennessee, but the events giving rise to the claim (the refusal to provide subsequent payments and the non-completion of the project) occurred in the Southern District of Ohio, where the subdivision was being built. Therefore, option C, the Southern District of Ohio, is a viable option. (Correct) 3. Since the defendants do not all reside in the same state, option A, the Western District of Kentucky, is not a viable option under subsection (1) of 28 U.S.C. §1391(b). (Correct) 4. Since a substantial part of the events giving rise to the claim occurred in the Southern District of Ohio, option C, the Southern District of Ohio, is also a viable option under subsection (2) of 28 U.S.C. §1391(b). (Irrelevant Premise) - (Repetition of reasoning already done in point 2) 5. Since there is no district in which all defendants reside, subsection (3) of 28 U.S.C. §1391(b) is not applicable. (Misinterpretation) - subsection (3) is not applicable when either subsection (1) or (2) is applicable. Here, the LLM posits that subsection (3) is not applicable because all the defendants do not reside in the same district, but that is not what subsection 3 is about)   Final Answer:  The correct option is D. Both A and C are true.  (Wrong conclusion from False Premises): It is unknown how the LLM came about to choose this option when it has already established that option A is not viable option and that only option C, Southern District of Ohio is the correct option) (It is unknown if point 5 contributed to the final answer) |
| **Human Annotator Analaysis of GPT-3.5-turbo:**  1. Dziezek resides in the Southern District of Indiana, which means venue would be proper in that district under 28 U.S.C. 1391(b)(1) since at least one defendant resides in the state where the district is located. (Incorrect)Under §1391(b)(1), a venue is proper in a district where all defendants arise. In this case, they do not all reside in the same district or different districts within the same state. Therefore §1391(b)(1) does not provide any venue options for Dziezek. He would have to look into §1391(b)(2) or §1391(b)(3).  2. A substantial part of the events giving rise to the claim occurred in the Western District of Tennessee where the negotiations for the financing took place. This would make venue proper in that district under 28 U.S.C. 1391(b)(2). (Correct)  3. Since subsections 1 and 2 are alternatives, venue can be proper in either the district where a defendant resides or where a substantial part of the events giving rise to the claim occurred. (Incorrect)  4. Therefore, the correct option is \*\*D. Both A and C are true\*\* because venue would be proper in the Western District of Kentucky (where Torruella resides) and the Southern District of Ohio (where a substantial part of the events giving rise to the claim occurred).  The District of Kentucky does not have substantial connection to the events giving rise to the claims. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Analysis of Venue Under 28 U.S.C. §1391(b)(1)\*\*: This subsection allows a civil action to be brought in a judicial district where any defendant resides, provided all defendants are residents of the state in which the district is located. In this case, Torruella resides in the Western District of Kentucky, and Hopkins resides in the Western District of Tennessee. Since the defendants reside in different states, subsection (b)(1) does not apply. (correct)  2. \*\*Analysis of Venue Under 28 U.S.C. §1391(b)(2)\*\*: This subsection allows a civil action to be brought in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. The negotiations for the financing, which are central to the claims of fraud and violation of the Federal Truth in Lending Act, took place in the Western District of Tennessee. Additionally, the planned subdivision, which is the subject of the action, is located in the Southern District of Ohio. Therefore, venue could be proper in either district where substantial parts of the events giving rise to the claims occurred. (correct)  3. \*\*Exclusion of 28 U.S.C. §1391(b)(3)\*\*: This is a fallback provision used only when no other district under subsections (b)(1) or (b)(2) is applicable. Since we have identified proper venues under subsection (b)(2), subsection (b)(3) does not apply here. (correct)  4. \*\*Conclusion\*\*: Based on the analysis, the Western District of Tennessee is a proper venue because it is where the negotiations took place, and the Southern District of Ohio is also a proper venue because it is where the property subject to the action is situated. The Western District of Kentucky does not have a substantial connection to the events giving rise to the claims, and the Southern District of Indiana is not mentioned as having any substantial part of the events or property. (correct)  [Final Answer: D. Both A and C are true.] (Wrong Conclusion from Correct Premises) - The previous steps narrow the correct option to option C (southern district of Ohio) and yet the LLM chooses A as a correct as well. |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. According to 28 U.S.C. §1391(b)(1), a civil action may be brought in a judicial district in which any defendant resides, if all defendants are residents of the state in which the district is located. However, in this case, not all defendants reside in the same state, so this provision does not apply.  2. According to 28 U.S.C. §1391(b)(2), a civil action may be brought in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated. In this case, the negotiations for the financing took place in the Western District of Tennessee, and the subdivision project was planned to be built in the Southern District of Ohio. Therefore, both of these districts could potentially be proper venues.  3. According to 28 U.S.C. §1391(b)(3), a civil action may be brought in a judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action, if there is no district in which an action may otherwise be brought as provided in this section. However, since there are districts where venue would be proper under subsection (b)(1) or (b)(2), this provision does not apply.  4. There is no special venue statute mentioned for the type of claim the plaintiff brings, so the general venue choices in §1391(b) apply.  Based on the above legal reasoning, the correct answer is:  [Final Answer with the correct option]  D. Both A and C are true. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. According to 28 U.S.C. §1391(b), there are three possible venues where a civil action may be brought: (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, a judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.  2. In this case, the defendants, Torruella and Hopkins, reside in different states (Kentucky and Tennessee, respectively). Therefore, option (1) under §1391(b) is not applicable because not all defendants are residents of the same state.  3. The negotiations between the parties took place in the Western District of Tennessee, but the claim arose out of a business deal for the financing of a subdivision in the Southern District of Ohio. The refusal to provide subsequent payments also affected the project in the Southern District of Ohio. Therefore, a substantial part of the events giving rise to the claim occurred in the Southern District of Ohio, making it a proper venue under §1391(b)(2).  4. Although Torruella resides in the Western District of Kentucky, the fact that a substantial part of the events giving rise to the claim occurred in the Southern District of Ohio makes the Western District of Kentucky not the only proper venue. However, since Torruella resides in the Western District of Kentucky, and §1391(b)(1) is not applicable, we can consider if the Western District of Kentucky would be a proper venue under §1391(b)(2) as well. The fact that Torruella resides in the Western District of Kentucky does not automatically make it a proper venue under the circumstances, but the fact that the claim against Torruella is for fraud, which presumably took place where he resides, could be considered as part of the events giving rise to the claim.  5. Considering the above points, both the Southern District of Ohio and the Western District of Kentucky could be considered proper venues under §1391(b)(2).  6. Since option D states "Both A and C are true", and based on the analysis above, both the Western District of Kentucky (A) and the Southern District of Ohio (C) can be considered proper venues, option D is the correct answer.  Final Answer: D |

### 10. Thomas is injured while walking along the railroad right…

| **10.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The First Congress recognized and addressed the problem of the substantive law to be applied in diversity cases in 1789. They passed the Rules of Decision Act, which has remained in effect, with almost no textual change, ever since. Today it reads: 28 U.S.C. §1652. State Laws as Rules of Decision The laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide, shall be regarded as the rules of decision in civil actions in the courts of the United States, in cases where they apply. This would seem to settle the matter. If a federal statute, constitutional provision, or treaty applies, it will provide the governing law. Otherwise, the federal court should apply relevant state law. In a federal question case, of course, federal law would apply, by definition. But in diversity cases and some others within the federal judicial power, state law should govern. Although this may have been the First Congress’s intent, Justice Story interpreted the Rules of Decision Act (which I will refer to as ‘‘the RDA’’) more narrowly in Swift. Justice Story concluded that the phrase, ‘‘the laws of the several states’’ in the RDA referred only to state statutes, not to the common law decisions of state courts. If the Pennsylvania legislature enacted a statute providing that ‘‘The only duty of care owed to a trespasser on a railroad right-of-way is the duty to avoid wilful and wanton conduct,’’ Swift recognized that a federal court would be bound, under the RDA, to apply that state ‘‘law’’ in a diversity case. However, if there were no such statute, but Pennsylvania Supreme Court had held that railroads owe trespassers a duty to avoid wilful or wanton conduct, Swift concluded that the RDA did not require the federal court—even in Pennsylvania—to follow that decision. If it didn’t apply Pennsylvania law to such a case, what law was it to apply? Story thought the federal court should apply the common law to the case. He, and perhaps all judges at the time, thought of the common law as a general body of legal principles, carried over from English law and adapted to American conditions, to govern common types of disputes such as contract, commercial, and tort cases. They didn’t think of it as ‘‘Pennsylvania common law,’’ or ‘‘Georgia common law,’’ but as the common law, which every court applied and had the duty to apply correctly. Thus a Pennsylvania judge, a Florida judge, or a federal judge would examine all the authorities on an issue—such as the duty of care owed to a trespasser—and determine what the proper rule should be. All common law judges looked to the same broad sources for insight into the ‘‘true rule’’ of duty of care to trespassers, and applied the true rule as they deduced it from those authorities.1 Proceeding from this premise, Justice Story concluded in Swift that the federal judge should look at relevant authorities, not just from New York (where the Swift case arose) but all jurisdictions, and secondary materials such as treatises as well, to determine the proper answer to the commercial law issue posed in that case. The question was not, ‘‘What is the New York rule on consideration for cancellation of a debt,’’ but rather, ‘‘what is the proper common law rule with regard to consideration for cancellation of a debt?’’ So, under Swift, federal courts in diversity cases routinely reached their own conclusions about the proper rule in common law cases, even if those conclusions contradicted the governing case law of the state in which they sat. Consider the following illustration of life under the Swift regime. Assume that pre-Erie law, that is, the Swift doctrine, applies.  Question:  Thomas is injured while walking along the railroad right of way in Pennsylvania in 1910, during the heyday of Swift v. Tyson. He is hit by something protruding from the train, perhaps a door. He sues the Erie Railroad Company in federal court for his injuries, basing federal jurisdiction on diversity. He alleges that the Railroad owed him a duty of due care, since it was aware that trespassers routinely used the right-of-way. Pennsylvania had no statute covering the duty of care owed to a railroad trespasser, but Pennsylvania cases had held that railroads owed trespassers only a duty to avoid willful or wanton conduct. Assume that no federal statute or constitutional provision applies.  Options:  A. The Rules of Decision Act, as interpreted by Justice Story in Swift v. Tyson, would require the federal court to apply Pennsylvania law to Thomas’s claim.  B. Under Swift v. Tyson, the federal court would apply Pennsylvania common law to Thomas’s claim, because its jurisdiction was based on diversity.  C. The Rules of Decision Act, as interpreted by Justice Story, would require the federal judge to apply federal law to Thomas’s claim.  D. None of the above is true.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis - Reasoning chain 1 (from the book)**  Actually, none of the above is true, except D. Each mistakes the holding of Swift v. Tyson in one way or another.  A fails because Justice Story held that the Rules of Decision Act did not require federal courts to apply common law rules of the state in which they sat. Instead, Swift held that the federal court should make its own judgment as to the proper common law rule, based on its review of all relevant cases and secondary authorities. It might conclude that the willful/wanton rule was appropriate, and choose to apply it, but it might also conclude that the Pennsylvania cases did not represent the correct approach to trespasser liability, and apply a different rule under Swift’s ‘‘general common law’’ approach.  B also contains a fatal flaw. It states that Swift required the federal court in a diversity case to apply Pennsylvania common law in deciding Thomas’s case. Swift’s holding was quite the contrary: The point of Swift was that the federal judge in a diversity case (even a Pennsylvania federal judge) did not have to apply Pennsylvania common law—the decisions of the Pennsylvania state courts—in deciding the appropriate standard of care owed to Thomas. Under Swift, the federal judge was to apply the ‘‘general common law,’’ looking at relevant authorities from Pennsylvania, from other states, from English cases, and secondary authorities as well, in determining what the ‘‘true rule’’ of duty of care to a trespasser should be. Indeed, the mindset was, in a sense, that there was no such thing as ‘‘the common law of Pennsylvania,’’ but rather a general body of law called the common law, that judges from all state and federal courts attempted to perceive and apply correctly.  C also misstates the holding of Swift. The RDA, even in the heyday of Swift, required federal courts to apply federal law where a federal statute or constitutional provision applied. Or, if a state statute or ‘‘local usage’’ applied, it should be applied in a diversity case. If there were no state statute or local usage involved, and no federal statute or constitutional provision at issue, the RDA did not dictate the governing law at all. Instead, Swift v. Tyson itself held that the federal court should apply ‘‘general common law,’’ based on its reading of all the authorities, not just the holdings of the local state courts.  So, if one of the choices had been ‘‘Under Swift v. Tyson, the federal court would look to the general common law to determine the applicable duty of care,’’ that would have taken the prize. |
| **Mistral-7B Analysis**  [1] The Rules of Decision Act (RDA) of 1789, as amended, states that in civil actions in federal courts, the laws of the several states shall be the rules of decision, except where the Constitution, treaties, or Acts of Congress otherwise require or provide. This means that state law applies in diversity cases unless federal law provides otherwise.  [2] In Swift v. Tyson, Justice Story interpreted the RDA more narrowly, concluding that the phrase "the laws of the several states" referred only to state statutes and not to common law decisions of state courts.  [3] In the given scenario, there is no applicable state statute regarding the duty of care owed to a railroad trespasser in Pennsylvania. However, there are Pennsylvania cases that hold that railroads owe trespassers only a duty to avoid willful or wanton conduct.  [4] According to Swift v. Tyson, if there is no applicable state statute, but there are state common law decisions on the issue, the federal court is not bound to follow those decisions. Instead, the federal court should apply the common law as it determines the proper rule.  [5] Therefore, the federal court would not apply Pennsylvania law (either statutory or common law) to Thomas's claim, but would instead determine the proper rule based on all relevant authorities, regardless of their jurisdiction.  [Final Answer: B. Under Swift v. Tyson, the federal court would not apply Pennsylvania common law to Thomas’s claim, but would instead determine the proper rule based on all relevant authorities.] |
| **Llama 3-8b Analysis**  Here is my response:  \*\*Explanation of legal reasoning:\*\*  1. The case is a diversity case, which means that the federal court has jurisdiction based on the parties' diverse citizenship.  2. The Rules of Decision Act (RDA) states that the laws of the several states shall be regarded as the rules of decision in civil actions in the courts of the United States, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide.  3. Since there is no federal statute or constitutional provision that applies, the RDA requires the federal court to apply state law.  4. However, Justice Story in Swift v. Tyson interpreted the RDA to mean that the phrase "the laws of the several states" refers only to state statutes, not to the common law decisions of state courts.  5. Since there is no Pennsylvania statute covering the duty of care owed to a railroad trespasser, the federal court would not be bound to apply Pennsylvania law.  6. Under Swift v. Tyson, the federal court would apply the common law to the case, as it would examine all relevant authorities, including treatises and decisions from other jurisdictions, to determine the proper rule.  \*\*Final Answer:\*\*  B. Under Swift v. Tyson, the federal court would apply Pennsylvania common law to Thomas's claim, because its jurisdiction was based on diversity. |
| **GPT-3.5-turbo Analysis:**  1. The legal context provided states that in diversity cases, the federal court should apply relevant state law if there is no federal statute, constitutional provision, or treaty that applies.  2. In the case of Thomas being injured in Pennsylvania in 1910, with no federal statute or constitutional provision applying, the federal court should apply Pennsylvania law to his claim.  3. Justice Story's interpretation in Swift v. Tyson was that the federal court should apply state statutes in diversity cases, which would include Pennsylvania common law if there is no relevant statute.  4. Therefore, the correct option is: A. The Rules of Decision Act, as interpreted by Justice Story in Swift v. Tyson, would require the federal court to apply Pennsylvania law to Thomas’s claim. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the Rules of Decision Act (RDA) and Swift v. Tyson\*\*: The RDA states that federal courts should apply state laws in civil actions where applicable, unless overridden by federal statutes, constitutional provisions, or treaties. However, Justice Story's interpretation in Swift v. Tyson narrowed this application to state statutes only, excluding state common law decisions.  2. \*\*Application of Swift v. Tyson in the given scenario\*\*: In the scenario described, Pennsylvania has no specific statute regarding the duty of care owed to trespassers by railroads, only state court decisions that railroads owe a duty to avoid willful or wanton conduct. According to Swift v. Tyson, these state court decisions would not bind the federal court.  3. \*\*Federal Court's Approach under Swift v. Tyson\*\*: Since there is no applicable Pennsylvania statute, and under Swift, state common law decisions are not binding, the federal court would not apply Pennsylvania common law. Instead, the court would apply general common law principles to determine the duty of care owed to a trespasser.  4. \*\*Exclusion of Other Laws\*\*: There is no indication that a federal statute or constitutional provision applies to this case. Therefore, the federal court would not apply federal law in the sense of statutes or constitutional provisions but would rely on general common law.  5. \*\*Conclusion\*\*: Given these points, the correct interpretation under Swift v. Tyson is that the federal court would look to general common law, not Pennsylvania state law or common law, to decide the duty of care owed to Thomas.  [Final Answer: D. None of the above is true.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The Rules of Decision Act (RDA) states that the laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide, shall be regarded as the rules of decision in civil actions in the courts of the United States, in cases where they apply.  2. However, as interpreted by Justice Story in Swift v. Tyson, the phrase "the laws of the several states" in the RDA refers only to state statutes, not to the common law decisions of state courts.  3. In this case, Pennsylvania has no statute covering the duty of care owed to a railroad trespasser, but Pennsylvania cases have held that railroads owed trespassers only a duty to avoid willful or wanton conduct.  4. Since there is no applicable state statute, the federal court is not bound by the RDA to apply Pennsylvania law.  5. Under Swift v. Tyson, the federal court would instead apply the common law, which is considered a general body of legal principles, to determine the proper rule in this case.  6. The federal court would examine all relevant authorities, not just from Pennsylvania, but from all jurisdictions, as well as secondary materials, to determine the proper answer to the question of the duty of care owed to a trespasser.  7. Therefore, the federal court would not apply Pennsylvania common law specifically, but rather the general common law as deduced from various authorities.  8. Options A and B are incorrect because the federal court is not required to apply Pennsylvania law or Pennsylvania common law, respectively.  9. Option C is also incorrect because the federal court is not applying federal law in the sense of a federal statute or constitutional provision, but rather the general common law.  10. Therefore, the correct answer is D, None of the above is true.  Final Answer: D |
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| **Human Annotator Analysis of Mistral-7B:**  [1] The Rules of Decision Act (RDA) of 1789, as amended, states that in civil actions in federal courts, the laws of the several states shall be the rules of decision, except where the Constitution, treaties, or Acts of Congress otherwise require or provide. This means that state law applies in diversity cases unless federal law provides otherwise. (Correct)  [2] In Swift v. Tyson, Justice Story interpreted the RDA more narrowly, concluding that the phrase "the laws of the several states" referred only to state statutes and not to common law decisions of state courts.(Correct)  [3] In the given scenario, there is no applicable state statute regarding the duty of care owed to a railroad trespasser in Pennsylvania. However, there are Pennsylvania cases that hold that railroads owe trespassers only a duty to avoid willful or wanton conduct. (Correct)  [4] According to Swift v. Tyson, if there is no applicable state statute, but there are state common law decisions on the issue, the federal court is not bound to follow those decisions. Instead, the federal court should apply the common law as it determines the proper rule. (Correct)  [5] Therefore, the federal court would not apply Pennsylvania law (either statutory or common law) to Thomas's claim, but would instead determine the proper rule based on all relevant authorities, regardless of their jurisdiction.  (Misinterpretation) - (Although the first part of the sentence is correct, the second part of the sentence is far too general to find a final (and the correct) answer from it -> might lead to a Wrong Conclusion)  (The word ‘instead’ might also mean that the federal court might completely disregard Pennsylvania law. In reality, state common law would still influence or inform federal common law determinations, but it would not be strictly binding)  [Final Answer: B. Under Swift v. Tyson, the federal court would not apply Pennsylvania common law to Thomas’s claim, but would instead determine the proper rule based on all relevant authorities.]  (Wrong Conclusion from False Premises)  (Hallucination) - ‘not’ is not present in the actual option of B, the LLM has erroneously added it on its own.) (Manipulation of the Option!!!) |
| **Human Annotator Analysis of Llama 3-8b**  Here is my response:  \*\*Explanation of legal reasoning:\*\*  1. The case is a diversity case, which means that the federal court has jurisdiction based on the parties' diverse citizenship.(Correct)  2. The Rules of Decision Act (RDA) states that the laws of the several states shall be regarded as the rules of decision in civil actions in the courts of the United States, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide.(Correct)  3. Since there is no federal statute or constitutional provision that applies, the RDA requires the federal court to apply state law.(Correct)  4. However, Justice Story in Swift v. Tyson interpreted the RDA to mean that the phrase "the laws of the several states" refers only to state statutes, not to the common law decisions of state courts.(Incorrect)(Misinterpretation) - The LLM made the wrong conclusion from the points [2] and [3].  5. Since there is no Pennsylvania statute covering the duty of care owed to a railroad trespasser, the federal court would not be bound to apply Pennsylvania law.(Correct)  6. Under Swift v. Tyson, the federal court would apply the common law to the case, as it would examine all relevant authorities, including treatises and decisions from other jurisdictions, to determine the proper rule. (Misinterpretation) The LLM misinterpreted that the federal judge did not have to apply Pennsylvania common law—the decisions of the Pennsylvania state courts—in deciding the appropriate standard of care owed to Thomas. Under Swift, the federal judge was to apply the ‘‘general common law,’’ looking at relevant authorities from Pennsylvania.  \*\*Final Answer:\*\*  B. Under Swift v. Tyson, the federal court would apply Pennsylvania common law to Thomas's claim, because its jurisdiction was based on diversity. (Wrong Conclusion from False Premises)  Annotator Remarks:  Because the LLM misinterpreted the fact that instead of the general common law instead of Pennsylvania common law needed to be used by the federal judge, it made a false conclusion. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The legal context provided states that in diversity cases, the federal court should apply relevant state law if there is no federal statute, constitutional provision, or treaty that applies. (Correct)  2. In the case of Thomas being injured in Pennsylvania in 1910, with no federal statute or constitutional provision applying, the federal court should apply Pennsylvania law to his claim. (Incorrect) (Misinterpretation) - Since there is no applicable Pennsylvania statute, the federal court would not apply Pennsylvania common law. Instead, the court would apply general common law principles to determine the duty of care owed to a trespasser.  3. Justice Story's interpretation in Swift v. Tyson was that the federal court should apply state statutes in diversity cases, which would include Pennsylvania common law if there is no relevant statute. (Incorrect) (Misinterpretation) - The correct interpretation under Swift v. Tyson is that the federal court would look to general common law, not Pennsylvania state law or common law, to decide the duty of care owed to Thomas.  4. Therefore, the correct option is: A. The Rules of Decision Act, as interpreted by Justice Story in Swift v. Tyson, would require the federal court to apply Pennsylvania law to Thomas’s claim. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the Rules of Decision Act (RDA) and Swift v. Tyson\*\*: The RDA states that federal courts should apply state laws in civil actions where applicable, unless overridden by federal statutes, constitutional provisions, or treaties. However, Justice Story's interpretation in Swift v. Tyson narrowed this application to state statutes only, excluding state common law decisions. (correct)  2. \*\*Application of Swift v. Tyson in the given scenario\*\*: In the scenario described, Pennsylvania has no specific statute regarding the duty of care owed to trespassers by railroads, only state court decisions that railroads owe a duty to avoid willful or wanton conduct. According to Swift v. Tyson, these state court decisions would not bind the federal court. (correct)  3. \*\*Federal Court's Approach under Swift v. Tyson\*\*: Since there is no applicable Pennsylvania statute, and under Swift, state common law decisions are not binding, the federal court would not apply Pennsylvania common law. Instead, the court would apply general common law principles to determine the duty of care owed to a trespasser. (correct)  4. \*\*Exclusion of Other Laws\*\*: There is no indication that a federal statute or constitutional provision applies to this case. Therefore, the federal court would not apply federal law in the sense of statutes or constitutional provisions but would rely on general common law. (correct)  5. \*\*Conclusion\*\*: Given these points, the correct interpretation under Swift v. Tyson is that the federal court would look to general common law, not Pennsylvania state law or common law, to decide the duty of care owed to Thomas. (correct)  [Final Answer: D. None of the above is true.] (correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The case involves a diversity jurisdiction, meaning the federal court is hearing a case between citizens of different states.  2. The Rules of Decision Act (28 U.S.C. §1652) states that state laws should be regarded as the rules of decision in civil actions in federal courts, except where the Constitution or treaties or Acts of Congress otherwise require or provide.  3. In the absence of a federal statute, constitutional provision, or treaty that applies, the federal court should apply relevant state law.  4. Justice Story's interpretation of the Rules of Decision Act in Swift v. Tyson concluded that the phrase "the laws of the several states" referred only to state statutes, not to the common law decisions of state courts.  5. In the given scenario, Pennsylvania had no statute covering the duty of care owed to a railroad trespasser, but Pennsylvania cases had held that railroads owed trespassers only a duty to avoid willful or wanton conduct.  6. Since there is no federal statute or constitutional provision that applies, the federal court should apply Pennsylvania law to Thomas's claim.  [Final Answer with the correct option]  B. Under Swift v. Tyson, the federal court would apply Pennsylvania common law to Thomas’s claim, because its jurisdiction was based on diversity. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The Rules of Decision Act (RDA) states that the laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide, shall be regarded as the rules of decision in civil actions in the courts of the United States, in cases where they apply.  2. However, as interpreted by Justice Story in Swift v. Tyson, the phrase "the laws of the several states" in the RDA refers only to state statutes, not to the common law decisions of state courts.  3. In this case, Pennsylvania has no statute covering the duty of care owed to a railroad trespasser, but Pennsylvania cases have held that railroads owed trespassers only a duty to avoid willful or wanton conduct.  4. Since there is no applicable state statute, the federal court is not bound by the RDA to apply Pennsylvania law.  5. Under Swift v. Tyson, the federal court would instead apply the common law, which is considered a general body of legal principles, to determine the proper rule in this case.  6. The federal court would examine all relevant authorities, not just from Pennsylvania, but from all jurisdictions, as well as secondary materials, to determine the proper answer to the question of the duty of care owed to a trespasser.  7. Therefore, the federal court would not apply Pennsylvania common law specifically, but rather the general common law as deduced from various authorities.  8. Options A and B are incorrect because the federal court is not required to apply Pennsylvania law or Pennsylvania common law, respectively.  9. Option C is also incorrect because the federal court is not applying federal law in the sense of a federal statute or constitutional provision, but rather the general common law.  10. Therefore, the correct answer is D, None of the above is true.  Final Answer: D |

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### 11. Felina, a real estate agent, sues Pai…

| **11.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Let’s start with the easiest question: if a plaintiff wants to sue a defendant on a claim, can she also assert other claims against the defendant? If so, which claims? The governing rule in federal court is simple: Fed. R. Civ. P. 18(a): Joinder of Claims. A party asserting a claim, counterclaim, crossclaim, or third-party claim may join, as independent or alternate claims, as many claims, as it has against an opposing party. This is clear and comprehensive: When Amos sues Boris in federal court for a fraud claim, Boris is an ‘‘opposing party’’; that is, he’s on the other side of the ‘‘v.’’ So Amos can assert ‘‘as many claims . . . as [he] has’’ against Boris. Consider the application of Rule 18(a) in the following example.  Question:  Felina, a real estate agent, sues Pai, who owns the real estate agency where she worked. She sues in federal court, for violation of the Age Discrimination in Employment Act. She claims that Pai discharged her from the agency because of her age, and seeks $100,000 in money damages. She also asserts, in the same complaint against Pai, a claim that she and Pai were informal partners in a venture to buy a large piece of open land, and that Pai took title to the land in her own name only, in violation of their contract. She seeks specific performance of the contract, through an order to convey a half interest in the property to her. Last she seeks compensatory and punitive damages from Pai for breach of her fiduciary duty as a partner in the land deal.  Options:  A. Joinder of the two money damages claims is proper, but the claim for specific performance is an equitable claim that should be brought in a separate action.  B. Joinder of the two claims arising out of the land purchase venture is proper, but the unrelated ADEA claim would have to be brought in a separate action, because it does not meet the same-transaction- or-occurrence test.  C. Joinder of the three claims is improper, because there will be no efficiency achieved by litigating the contract claims with the unrelated ADEA claim.  D. Joinder of the three claims is proper.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  Rule 18(a) says that a party may join ‘‘as many claims as it has’’ against the opposing party. It doesn’t say anything about suing for the same type of relief. It doesn’t say that the plaintiff can only join claims if they arise from the same underlying transaction or occurrence. It says anything may be joined . . . so why shouldn’t you believe it? D is right. B is tempting, because so many of the joinder rules do limit the right to join claims to those arising from the same transaction or occurrence. See, e.g., Fed. R. Civ. P. 20(a); 13(g). It is also tempting because it would seem to make sense to allow Felina to litigate related claims together, but not to allow her to throw in the kitchen sink. But that’s just what the rule does. The rule-makers took the view that, as long as the parties are going to have a lawsuit, they might as well drag out any claims they have and resolve them all. Under the Federal Rules, the court can hear and determine both legal and equitable claims, and can grant almost any type of relief the plaintiff seeks. In addition, most cases aren’t tried, they are compromised through settlement, and the settlement is likely to be more effective if it encompasses all the claims the parties have against each other rather than just some. If the various claims do go to trial, the unrelated ones can be separated for trial. Fed. R. Civ. P. 42(b). So the rule-makers opted for the broadest possible scope of joinder of claims. They did not require that they arise from the same events, as both B and C suggest. They didn’t limit joinder to claims that seek the same type of relief, as A would. Whatever you’ve got, Felina, go for it. Would that all the rules were so clear. One caveat should be noted, however. Even if Rule 18(a) (or any other rule) authorizes joinder, the court must still have a basis for subject matter jurisdiction over each claim a party asserts. The fact that Rule 18(a) authorizes joinder should always be read as if it included the following phrase: ‘‘assuming that the court would have a basis for exercising jurisdiction over the added claims.’’ Often, such jurisdiction will be proper in federal court under 28 U.S.C. §1367, the supplemental jurisdiction statute. |
| **Mistral-7B Analysis**  [Explanation]  1. The first step is to understand the legal context and the rule of joinder of claims in federal court as stated in Fed. R. Civ. P. 18(a).  2. The plaintiff, Felina, is suing the defendant, Pai, in federal court for two claims: a violation of the Age Discrimination in Employment Act (ADEA) and a breach of contract related to a land purchase venture.  3. The question asks about the proper joinder of these claims.  4. According to the rule, a party may join as many claims as it has against an opposing party.  5. In this case, Felina has two claims against Pai, making it proper for her to join them in the same action.  [Final Answer]  D. Joinder of the three claims is proper. |
| **Llama-3-8b-instruct Analysis**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. The question asks whether Felina can assert multiple claims against Pai in the same complaint. The governing rule is Fed. R. Civ. P. 18(a), which states that a party can join as many claims as it has against an opposing party.  2. The opposing party in this case is Pai, the owner of the real estate agency where Felina worked. Felina is suing Pai for violation of the Age Discrimination in Employment Act (ADEA), which is a federal claim.  3. Felina also asserts three additional claims against Pai: a claim for specific performance of a contract related to a land purchase venture, a claim for breach of fiduciary duty as a partner in the land deal, and a claim for breach of contract related to the land purchase venture.  4. The key question is whether these additional claims can be joined with the ADEA claim in the same complaint.  5. Rule 18(a) does not impose any restrictions on the type of claims that can be joined, as long as they are against the same opposing party. It does not require that the claims arise from the same transaction or occurrence.  6. Therefore, Felina can join all three additional claims with the ADEA claim in the same complaint, as they are all against the same opposing party, Pai.  \*\*Final Answer:\*\*  D. Joinder of the three claims is proper.  Felina can assert all four claims (ADEA, specific performance, breach of fiduciary duty, and breach of contract) against Pai in the same complaint, as they are all against the same opposing party and do not require separate actions. |
| **GPT-3.5-turbo Analysis:**  1. The governing rule in federal court regarding joinder of claims is Fed. R. Civ. P. 18(a), which allows a party to assert as many claims as it has against an opposing party.  2. In this case, Felina is suing Pai for violation of the Age Discrimination in Employment Act, breach of contract in the land purchase venture, and breach of fiduciary duty as a partner in the land deal.  3. Since Pai is the opposing party in all three claims, Felina is allowed to join all three claims in the same complaint.  4. Therefore, the correct option is: D. Joinder of the three claims is proper. |
| **GPT-4-turbo analysis:**  1. \*\*Understanding Rule 18(a)\*\*: According to Fed. R. Civ. P. 18(a), a party can join as many claims as they have against an opposing party. This rule allows for the joinder of multiple claims in a single lawsuit, regardless of whether the claims are related.  2. \*\*Analyzing the Claims\*\*: Felina has three claims against Pai:  - A claim under the Age Discrimination in Employment Act (ADEA) for wrongful termination based on age.  - A claim for breach of contract regarding an informal partnership in a land purchase.  - A claim for breach of fiduciary duty related to the same partnership.  3. \*\*Assessing the Relationship Between the Claims\*\*: While the ADEA claim is based on employment law and the other two claims are related to a real estate transaction and partnership, Rule 18(a) does not require the claims to be related. The rule permits the joinder of any claims against an opposing party.  4. \*\*Evaluating Efficiency and Judicial Economy\*\*: Joining these claims could potentially increase efficiency in litigation by resolving all disputes between Felina and Pai in one court action, rather than multiple proceedings. This could save court time and reduce legal expenses for both parties.  5. \*\*Considering the Nature of the Claims\*\*: The fact that one claim is for equitable relief (specific performance) and the others are for monetary damages does not preclude their joinder under Rule 18(a). Federal courts are capable of handling both legal and equitable claims in the same action.  \*\*Final Answer: D. Joinder of the three claims is proper.\*\*  This option correctly applies Rule 18(a) by allowing Felina to assert all her claims against Pai in a single lawsuit, regardless of their differing legal bases and the types of relief sought. This approach promotes judicial efficiency and adheres to the rules of procedure in federal court. |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. According to Fed. R. Civ. P. 18(a), a party asserting a claim may join as many claims as it has against an opposing party.  2. Felina is suing Pai in federal court for violation of the Age Discrimination in Employment Act (ADEA) and for breach of contract and fiduciary duty related to a land purchase venture.  3. The ADEA claim and the breach of contract claim both arise from Felina's employment relationship with Pai, making them related claims.  4. The breach of fiduciary duty claim is also related to the land purchase venture, making it a related claim as well.  5. All three claims are against the same opposing party, Pai.  6. Joinder of related claims is proper under Rule 18(a) as it promotes judicial efficiency and avoids multiple lawsuits.  Final Answer: D. Joinder of the three claims is proper. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The governing rule in federal court for joinder of claims is Fed. R. Civ. P. 18(a), which states that a party asserting a claim may join, as independent or alternate claims, as many claims as it has against an opposing party.  2. In this case, Felina is asserting multiple claims against Pai, who is the opposing party. The claims include a violation of the Age Discrimination in Employment Act (ADEA), breach of contract, and breach of fiduciary duty.  3. According to Rule 18(a), Felina can assert "as many claims... as [she] has" against Pai. This means that she can join multiple claims against Pai, regardless of whether they are related or unrelated.  4. The rule does not require that the claims be related or arise out of the same transaction or occurrence. Therefore, the fact that the ADEA claim is unrelated to the contract claims does not bar joinder.  5. Additionally, Rule 18(a) does not distinguish between legal and equitable claims. Therefore, the fact that Felina is seeking specific performance (an equitable remedy) in addition to money damages does not affect the propriety of joinder.  6. The rule's purpose is to promote efficiency and convenience by allowing parties to litigate all their claims against an opposing party in a single action.  7. In this case, joinder of the three claims would allow Felina to litigate all her claims against Pai in a single action, which would promote efficiency and convenience.  Final Answer: D |
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| **Human Annotator Analysis of Mistral-7B**  [Explanation]  1. The first step is to understand the legal context and the rule of joinder of claims in federal court as stated in Fed. R. Civ. P. 18(a). (Correct)  2. The plaintiff, Felina, is suing the defendant, Pai, in federal court for two claims: a violation of the Age Discrimination in Employment Act (ADEA) and a breach of contract related to a land purchase venture. (Misinterpretation + Hallucination) - There are actually three claims in total.  3. The question asks about the proper joinder of these claims. (Hallucination) -The joinder is also about the breach of fiduciary duty as a partner in the land deal.  4. According to the rule, a party may join as many claims as it has against an opposing party. (Correct)  5. In this case, Felina has two claims against Pai, making it proper for her to join them in the same action. (Misinterpretation + Hallucination) - There are actually three claims in total.  [Final Answer]  D. Joinder of the three claims is proper. (Right Conclusion from False Premises) |
| **Human Annotator Analysis of Llama-3-8B**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. The question asks whether Felina can assert multiple claims against Pai in the same complaint. The governing rule is Fed. R. Civ. P. 18(a), which states that a party can join as many claims as it has against an opposing party. (Correct)  2. The opposing party in this case is Pai, the owner of the real estate agency where Felina worked. Felina is suing Pai for violation of the Age Discrimination in Employment Act (ADEA), which is a federal claim. (Correct, though the orange highlighted part is correct, it is not present in the legal context, the LLM found it from its inherent knowledge)  3. Felina also asserts three additional claims against Pai: a claim for specific performance of a contract related to a land purchase venture, a claim for breach of fiduciary duty as a partner in the land deal, and a claim for breach of contract related to the land purchase venture. (Misinterpretation) - there are only two additional claims: performance of land purchase venture and claim of breach of contract related to land purchase venture are the same = (Numerical + Contextual Misinterpretation)  4. The key question is whether these additional claims can be joined with the ADEA claim in the same complaint. (Correct, this is the inferred key question)  5. Rule 18(a) does not impose any restrictions on the type of claims that can be joined, as long as they are against the same opposing party. It does not require that the claims arise from the same transaction or occurrence. (Correct)  6. Therefore, Felina can join all three additional claims with the ADEA claim in the same complaint, as they are all against the same opposing party, Pai. (Correct)  \*\*Final Answer:\*\*  D. Joinder of the three claims is proper. (Correct)  (Right Conclusion from False Premises)  Felina can assert all four claims (ADEA, specific performance, breach of fiduciary duty, and breach of contract) against Pai in the same complaint, as they are all against the same opposing party and do not require separate actions. (Ideally, any explanation after the final answer is not very relevant because we deem the reasoning chain complete with the final answer itself.) |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The governing rule in federal court regarding joinder of claims is Fed. R. Civ. P. 18(a), which allows a party to assert as many claims as it has against an opposing party. (Correct)  2. In this case, Felina is suing Pai for violation of the Age Discrimination in Employment Act, breach of contract in the land purchase venture, and breach of fiduciary duty as a partner in the land deal. (Correct)  3. Since Pai is the opposing party in all three claims, Felina is allowed to join all three claims in the same complaint. (Correct)  4. Therefore, the correct option is: D. Joinder of the three claims is proper. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding Rule 18(a)\*\*: According to Fed. R. Civ. P. 18(a), a party can join as many claims as they have against an opposing party. This rule allows for the joinder of multiple claims in a single lawsuit, regardless of whether the claims are related. (Correct)  2. \*\*Analyzing the Claims\*\*: Felina has three claims against Pai:  - A claim under the Age Discrimination in Employment Act (ADEA) for wrongful termination based on age.  - A claim for breach of contract regarding an informal partnership in a land purchase.  - A claim for breach of fiduciary duty related to the same partnership. (Correct)  3. \*\*Assessing the Relationship Between the Claims\*\*: While the ADEA claim is based on employment law and the other two claims are related to a real estate transaction and partnership, Rule 18(a) does not require the claims to be related. The rule permits the joinder of any claims against an opposing party. (Correct)  4. \*\*Evaluating Efficiency and Judicial Economy\*\*: Joining these claims could potentially increase efficiency in litigation by resolving all disputes between Felina and Pai in one court action, rather than multiple proceedings. This could save court time and reduce legal expenses for both parties. (Correct)  5. \*\*Considering the Nature of the Claims\*\*: The fact that one claim is for equitable relief (specific performance) and the others are for monetary damages does not preclude their joinder under Rule 18(a). Federal courts are capable of handling both legal and equitable claims in the same action. (Correct)  \*\*Final Answer: D. Joinder of the three claims is proper.\*\* (Correct)  This option correctly applies Rule 18(a) by allowing Felina to assert all her claims against Pai in a single lawsuit, regardless of their differing legal bases and the types of relief sought. This approach promotes judicial efficiency and adheres to the rules of procedure in federal court. (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. According to Fed. R. Civ. P. 18(a), a party asserting a claim may join as many claims as it has against an opposing party.  2. Felina is suing Pai in federal court for violation of the Age Discrimination in Employment Act (ADEA) and for breach of contract and fiduciary duty related to a land purchase venture.  3. The ADEA claim and the breach of contract claim both arise from Felina's employment relationship with Pai, making them related claims.  4. The breach of fiduciary duty claim is also related to the land purchase venture, making it a related claim as well.  5. All three claims are against the same opposing party, Pai.  6. Joinder of related claims is proper under Rule 18(a) as it promotes judicial efficiency and avoids multiple lawsuits.  Final Answer: D. Joinder of the three claims is proper. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The governing rule in federal court for joinder of claims is Fed. R. Civ. P. 18(a), which states that a party asserting a claim may join, as independent or alternate claims, as many claims as it has against an opposing party.  2. In this case, Felina is asserting multiple claims against Pai, who is the opposing party. The claims include a violation of the Age Discrimination in Employment Act (ADEA), breach of contract, and breach of fiduciary duty.  3. According to Rule 18(a), Felina can assert "as many claims... as [she] has" against Pai. This means that she can join multiple claims against Pai, regardless of whether they are related or unrelated.  4. The rule does not require that the claims be related or arise out of the same transaction or occurrence. Therefore, the fact that the ADEA claim is unrelated to the contract claims does not bar joinder.  5. Additionally, Rule 18(a) does not distinguish between legal and equitable claims. Therefore, the fact that Felina is seeking specific performance (an equitable remedy) in addition to money damages does not affect the propriety of joinder.  6. The rule's purpose is to promote efficiency and convenience by allowing parties to litigate all their claims against an opposing party in a single action.  7. In this case, joinder of the three claims would allow Felina to litigate all her claims against Pai in a single action, which would promote efficiency and convenience.  Final Answer: D |

### 12. Garabedian, an Arkansas developer, sues Ellis…

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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The most basic point to understand about supplemental jurisdiction is that it allows federal courts to entertain entire disputes, rather than single theories or claims. Cases seldom come as single claims for relief. Usually, the plaintiff sues on multiple claims, some that support federal jurisdiction under Article III, §2 and others that don’t. For example, if Tolman has a pay dispute with his employer, he might bring suit in federal court against it for violation of the Federal Fair Labor Standards Act (FLSA), but also sue, based on the same events, for breach of contract. Maybe he has a claim under a state unfair labor practices statute as well. The federal court would have arising-under jurisdiction over the FLSA claim, but not over the state law contract or statutory claims (assuming the parties are not diverse). But, since all three claims are part of the same dispute, it certainly would be nice if the federal court could hear and resolve them all together. In United Mine Workers v. Gibbs, the Supreme Court held that, if the federal court has a basis for subject matter jurisdiction over one of the plaintiff’s claims, it may hear other claims that arise out of the same ‘‘nucleus of operative fact.’’ In Tolman’s case, the court has jurisdiction under 28 U.S.C. §1331 over the FLSA claim, so it would have constitutional power, under Article III, §2, as interpreted in Gibbs, to hear other claims arising from the same events as well. The Court’s logic was that cases have long involved multiple claims, that the Framers understood this, and that they must have contemplated that the federal court would hear the entire dispute, as long as there was a ‘‘federal hook’’—here, the FLSA claim—from which to append the other, jurisdictionally insufficient claims. So Gibbs recognized a constitutional basis for federal courts to hear related state law claims like Tolman’s contract claim. But in Kroger, the Court reminded the lower federal courts that they can’t hear claims just because they are within the constitutional scope of Article III, as expounded in Gibbs. Congress must authorize them to hear the claims as well, by statute. Even if a state law claim arises from the same underlying facts as a proper federal claim, so that Gibbs provides constitutional power to hear the state law claim, and even if it would make sense for the federal court to resolve all the claims in the case, it cannot do so unless a federal statute authorizes the federal court to hear the related claims. Unfortunately, most federal statutes say nothing one way or the other about the authority to hear related state-law claims. Consequently, Kroger, and especially Finley v. United States, 490 U.S. 545 (1989), nine years later, created considerable confusion as to when a federal court could exercise jurisdiction over such related claims in federal cases. So Congress reacted to those cases by enacting 28 U.S.C. §1367(a), which broadly authorizes federal courts to exercise ‘‘supplemental jurisdiction’’ over related claims in proper federal cases. Here’s the basic provision granting supplemental jurisdiction: Section 1367(a). Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties. What does this mean? It means that where the federal court has ‘‘original jurisdiction,’’ because the case presents a claim that the plaintiff could properly file in federal court, the court can hear not only that claim, but all other claims arising out of the ‘‘same case or controversy.’’ And, the legislative history of §1367, as well as case law, make clear that all claims that meet the Gibbs ‘‘common nucleus of operative fact’’ test are part of the same ‘‘case or controversy.’’ So, as long as the court has a federal ‘‘hook’’—a claim properly within the federal court’s original jurisdiction—it can hang all the related state law claims from it, and resolve the entire dispute between the parties. There’s more to §1367, but for now let’s focus on this basic purpose of §1367(a).  Question:  Garabedian, an Arkansas developer, sues Ellis, a local Arkansas official, under 42 U.S.C. §1983, for deprivation of his First Amendment rights, for refusing to allow him to speak at a local zoning meeting concerning a proposal by a competitor. He adds a second claim against Ellis for defamation, a state tort claim, based on statements Ellis made to the local newspaper about the quality of the construction on several houses Garabedian had built in town. The federal court  Options:  A. has constitutional authority to hear Garabedian’s defamation claim under Gibbs, but does not have statutory authority to do so under §1367(a).  B. has statutory authority to hear Garabedian’s defamation claim under §1367(a), but it would be unconstitutional, under Gibbs, for the court to do so.  C. has both constitutional and statutory authority to hear Garabedian’s defamation claim.  D. has neither constitutional nor statutory authority to hear Garabedian’s defamation claim.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  This is pretty straightforward, but there’s no harm in building a little self-confidence as we wade into a difficult subject. Here, the §1983 claim arises under federal law. The federal court has ‘‘original jurisdiction’’ over it. That is, it is a claim that, on its own, may be brought in federal court under arising-under jurisdiction. So it provides that necessary federal hook from which to hang related state law claims. Since there is a proper federal claim, Gibbs holds that it is constitutionally permissible to hear jurisdictionally insufficient claims (like Garabedian’s defamation claim) if they arise out of the same nucleus of operative fact as the proper federal claim. And, in §1367(a), Congress authorized federal courts, where there is a claim within the federal court’s ‘‘original jurisdiction,’’ to hear other, jurisdictionally insufficient claims if they are part of the ‘‘same case or controversy.’’ These two tests basically require the same thing: that the state law claim arise out of the same underlying dispute as the federal claim. The cases indicate that Congress, in using the phrase ‘‘same case or controversy’’ in §1367(a), meant to give supplemental jurisdiction to the full reach that Gibbs held constitutionally permissible under the ‘‘nucleus of operative fact’’ test. So, since the constitutional test under Gibbs and the statutory test under §1367(a) are the same, both A and B have to be wrong. If the defamation claim satisfies the Gibbs test, it satisfies the statute; if it doesn’t satisfy Gibbs, it doesn’t satisfy the statute. The question primarily tests whether you’ve got that basic point down. If you do, it only remains to decide whether the defamation claim arises from the same set of facts as the First Amendment claim. C is wrong, because it pretty clearly doesn’t. Even if Garabedian and Ellis have a long-running local feud going, and both claims arise from the bad blood between the parties, these appear to be separate incidents that took place at different times and involve different issues. Thus, Gibbs would not support sweeping in the jurisdictionally insufficient claim, just because Garabedian can sue on the First Amendment claim in federal court. There has to be a limit on this inferential extension of federal jurisdiction to claims not expressly authorized in Article III, §2. The limit is the scope of a single dispute, and this one looks like two distinct disputes, though perhaps linked by ongoing animosity. So D is the best choice here. |
| **Mistral-7B Analysis**  1. The legal context explains that supplemental jurisdiction allows federal courts to hear related claims that arise from the same nucleus of operative fact as a claim over which the court has original jurisdiction.  2. The court has original jurisdiction over Garabedian's §1983 claim against Ellis, as it is a federal claim.  3. The defamation claim is a state law claim, and the text of §1367(a) grants federal courts supplemental jurisdiction over related state law claims in proper federal cases.  4. Therefore, the federal court has both constitutional and statutory authority to hear Garabedian's defamation claim.  [Final Answer: C. has both constitutional and statutory authority to hear Garabedian’s defamation claim.] |
| **Llama-3-8b-instruct Analysis**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. The question asks whether the federal court has authority to hear Garabedian's defamation claim against Ellis, which is a state tort claim.  2. The federal court has original jurisdiction over Garabedian's claim under 42 U.S.C. §1983, which is a federal claim.  3. The defamation claim is related to the same underlying facts as the federal claim, as both claims arise from Ellis's statements about Garabedian's construction work.  4. Under Gibbs, the federal court has constitutional authority to hear the defamation claim, as it arises from the same "nucleus of operative fact" as the federal claim.  5. However, the federal court also needs statutory authority to hear the defamation claim, as Congress has not explicitly authorized federal courts to hear related state law claims.  6. Section 1367(a) provides that federal courts have supplemental jurisdiction over related claims that are part of the same "case or controversy" under Article III of the Constitution.  7. The legislative history of §1367 and case law make clear that all claims that meet the Gibbs "common nucleus of operative fact" test are part of the same "case or controversy".  8. Therefore, the federal court has both constitutional and statutory authority to hear Garabedian's defamation claim under §1367(a).  \*\*Final Answer:\*\*  C. has both constitutional and statutory authority to hear Garabedian's defamation claim.  The federal court has constitutional authority to hear the defamation claim under Gibbs, and statutory authority to do so under §1367(a). |
| **GPT-3.5-turbo Analysis:**  1. Garabedian's First Amendment claim under 42 U.S.C. §1983 provides the federal court with original jurisdiction, as it is a federal claim that the plaintiff could properly file in federal court.  2. The defamation claim against Ellis is a state law claim that arises from the same nucleus of operative fact as the First Amendment claim, making it part of the same case or controversy under Article III.  3. According to 28 U.S.C. §1367(a), the federal court shall have supplemental jurisdiction over all other claims that are related to claims within its original jurisdiction, as long as they form part of the same case or controversy.  4. Therefore, the federal court has both constitutional and statutory authority to hear Garabedian's defamation claim.  5. Final Answer: C. has both constitutional and statutory authority to hear Garabedian’s defamation claim. |
| **GPT-4-turbo analysis:**  1. \*\*Understanding the Basis of Federal Jurisdiction\*\*: Garabedian's lawsuit against Ellis includes a federal claim under 42 U.S.C. §1983 for deprivation of First Amendment rights. This claim provides the federal court with original jurisdiction as it directly involves a federal statute addressing civil rights violations.  2. \*\*Connection Between Claims\*\*: The defamation claim, although a state law matter, is connected to the same set of facts or events—the local zoning meeting and subsequent public statements made by Ellis. This connection suggests that both claims might arise from a common nucleus of operative fact.  3. \*\*Application of Gibbs and §1367(a)\*\*: According to the Supreme Court's decision in United Mine Workers v. Gibbs, a federal court can exercise supplemental jurisdiction over state law claims if they are part of the same case or controversy as the federal claim. This is constitutionally permissible under Article III, §2, as long as there is a "federal hook," which in this case is the §1983 claim.  4. \*\*Statutory Authority Under §1367(a)\*\*: Section 1367(a) explicitly states that federal courts have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy. This statutory provision supports the exercise of jurisdiction over the defamation claim because it is related to the §1983 claim and arises from the same set of facts.  5. \*\*Exclusion by Subsections (b) and (c) of §1367\*\*: It is important to check whether any specific exclusions apply under subsections (b) and (c) of §1367 that would prevent the exercise of supplemental jurisdiction. However, these typically relate to claims involving joinder or intervention of additional parties, which is not the case here.  6. \*\*Conclusion\*\*: Both constitutionally under Gibbs and statutorily under §1367(a), the federal court has the authority to hear the defamation claim because it is connected to the federal claim through a common nucleus of operative fact, and there are no statutory exclusions applicable in this scenario.  \*\*Final Answer: C. has both constitutional and statutory authority to hear Garabedian’s defamation claim.\*\* |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. Garabedian's first claim under 42 U.S.C. §1983 for deprivation of First Amendment rights is a federal claim that provides the federal court with original jurisdiction.  2. The defamation claim is a state law claim that arises from the same set of facts as the federal claim.  3. According to United Mine Workers v. Gibbs, the federal court has constitutional power to hear the defamation claim if it arises from the same 'nucleus of operative fact' as the federal claim.  4. Section 1367(a) of the U.S. Code authorizes federal courts to exercise supplemental jurisdiction over related state law claims in proper federal cases.  5. Since the defamation claim is related to the federal claim and arises from the same 'nucleus of operative fact,' it meets the criteria for supplemental jurisdiction under §1367(a).  Final Answer: C. has both constitutional and statutory authority to hear Garabedian’s defamation claim. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The federal court has original jurisdiction over Garabedian's §1983 claim, which alleges a deprivation of his First Amendment rights. This claim provides a federal "hook" for the court to exercise jurisdiction.  2. The defamation claim, on the other hand, is a state tort claim that does not provide a basis for federal jurisdiction on its own.  3. According to United Mine Workers v. Gibbs, the federal court has constitutional power to hear state law claims that arise out of the same "nucleus of operative fact" as the federal claim. However, in this case, the defamation claim is based on statements made to the local newspaper, which may not be directly related to the refusal to allow Garabedian to speak at the zoning meeting.  4. However, the question does not explicitly state that the two claims are unrelated, and it is possible to argue that they are connected. Assuming that the claims are related, the court would have constitutional authority to hear the defamation claim under Gibbs.  5. As for statutory authority, 28 U.S.C. §1367(a) grants federal courts supplemental jurisdiction over claims that are "so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution."  6. The legislative history of §1367 and case law make clear that claims that meet the Gibbs "common nucleus of operative fact" test are part of the same "case or controversy." Therefore, if the defamation claim is related to the §1983 claim, the court would have statutory authority to hear it under §1367(a).  7. Given the assumption that the claims are related, the court would have both constitutional and statutory authority to hear Garabedian's defamation claim.  Final Answer: C |
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| **Human Annotator Analysis of Mistral-7B:**  1. The legal context explains that supplemental jurisdiction allows federal courts to hear related claims that arise from the same nucleus of operative fact as a claim over which the court has original jurisdiction. (Correct)  2. The court has original jurisdiction over Garabedian's §1983 claim against Ellis, as it is a federal claim. (Correct)  3. The defamation claim is a state law claim, and the text of §1367(a) grants federal courts supplemental jurisdiction over related state law claims in proper federal cases. (Misinterpretation) - text of §1367(a) grants federal courts supplemental jurisdiction over related state law claims in proper federal cases only when they have a same nucleus of operative. (Cherry Picking)  4. Therefore, the federal court has both constitutional and statutory authority to hear Garabedian's defamation claim. (Wrong Conclusion from False Premises) - Mistral jumps to the conclusion that the federal court has supplementary jurisdiction over the defamation claim without checking if the two claims are related - originating from the same nucleus of operative fact.  [Final Answer: C. has both constitutional and statutory authority to hear Garabedian’s defamation claim.]  (Wrong Conclusion from False Premises) - Mistral did not consider if the defamation claim was related to the original federal claim, jumping to the wrong conclusion. |
| **Human Annotator Analysis of Llama-3-8B**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. The question asks whether the federal court has authority to hear Garabedian's defamation claim against Ellis, which is a state tort claim. (Correct)  2. The federal court has original jurisdiction over Garabedian's claim under 42 U.S.C. §1983, which is a federal claim. (Correct)  3. The defamation claim is related to the same underlying facts as the federal claim, as both claims arise from Ellis's statements about Garabedian's construction work. (Misinterpretation) - This is incorrect, the federal claim comes out denying the First Amendment rights and defamation comes from Ellis's statements about Garabedian's construction work. Both claims do not have the same underlying facts  4. Under Gibbs, the federal court has constitutional authority to hear the defamation claim, as it arises from the same "nucleus of operative fact" as the federal claim. (Misinterpretation) - The expert answer points out the defamation claim and the federal claim do not have the same "nucleus of operative fact"  5. However, the federal court also needs statutory authority to hear the defamation claim, as Congress has not explicitly authorized federal courts to hear related state law claims. (Correct)  6. Section 1367(a) provides that federal courts have supplemental jurisdiction over related claims that are part of the same "case or controversy" under Article III of the Constitution. (Correct)  7. The legislative history of §1367 and case law make clear that all claims that meet the Gibbs "common nucleus of operative fact" test are part of the same "case or controversy". (Wrong, due to the misinterpretation in points 3 and 4 and propagation of that error, this point is wrong - (Misinterpretation)  8. Therefore, the federal court has both constitutional and statutory authority to hear Garabedian's defamation claim under §1367(a). (Wrong conclusion from False Premise)  \*\*Final Answer:\*\*  C. has both constitutional and statutory authority to hear Garabedian's defamation claim. (Wrong conclusion from False Premise)  The federal court has constitutional authority to hear the defamation claim under Gibbs, and statutory authority to do so under §1367(a).(Wrong - Misinterpretation- Did not pass Gibb’s test of the same "nucleus of operative fact") |
| **Human Analysis of GPT-3.5-turbo:**  1. Garabedian's First Amendment claim under 42 U.S.C. §1983 provides the federal court with original jurisdiction, as it is a federal claim that the plaintiff could properly file in federal court. (Correct)  2. The defamation claim against Ellis is a state law claim that arises from the same nucleus of operative fact as the First Amendment claim, making it part of the same case or controversy under Article III. (Incorrect) (Misinterpretation) - The two events are not connected to the same set of events because they seem to have occurred in different circumstances.  3. According to 28 U.S.C. §1367(a), the federal court shall have supplemental jurisdiction over all other claims that are related to claims within its original jurisdiction, as long as they form part of the same case or controversy. (Correct)  4. Therefore, the federal court has both constitutional and statutory authority to hear Garabedian's defamation claim. (Incorrect) (Misinterpretation) - Did not pass Gibb’s test of the same “nucleus of operative fact”. Both incidents appear to be separate incidents that took place at different times and involve different issues.  5. Final Answer: C. has both constitutional and statutory authority to hear Garabedian’s defamation claim. (Wrong Conclusion from False Premises) |
| **Human Analysis of GPT-4-turbo:**  1. \*\*Understanding the Basis of Federal Jurisdiction\*\*: Garabedian's lawsuit against Ellis includes a federal claim under 42 U.S.C. §1983 for deprivation of First Amendment rights. This claim provides the federal court with original jurisdiction as it directly involves a federal statute addressing civil rights violations. (Correct)  2. \*\*Connection Between Claims\*\*: The defamation claim, although a state law matter, is connected to the same set of facts or events—the local zoning meeting and subsequent public statements made by Ellis. This connection suggests that both claims might arise from a common nucleus of operative fact. (Misinterpretation) - Wrong, the two events are not connected to the same set of events as they seemed to have occurred in different circumstances.  3. \*\*Application of Gibbs and §1367(a)\*\*: According to the Supreme Court's decision in United Mine Workers v. Gibbs, a federal court can exercise supplemental jurisdiction over state law claims if they are part of the same case or controversy as the federal claim. This is constitutionally permissible under Article III, §2, as long as there is a "federal hook," which in this case is the §1983 claim. (Misinterpretation) - Wrong, the two events are not connected to the same set of events as they seemed to have occurred in different circumstances.  4. \*\*Statutory Authority Under §1367(a)\*\*: Section 1367(a) explicitly states that federal courts have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy. This statutory provision supports the exercise of jurisdiction over the defamation claim because it is related to the §1983 claim and arises from the same set of facts. (Misinterpretation) - Wrong, the two events are not connected to the same set of events as they seemed to have occurred in different circumstances.  5. \*\*Exclusion by Subsections (b) and (c) of §1367\*\*: It is important to check whether any specific exclusions apply under subsections (b) and (c) of §1367 that would prevent the exercise of supplemental jurisdiction. However, these typically relate to claims involving joinder or intervention of additional parties, which is not the case here. (Correct)  6. \*\*Conclusion\*\*: Both constitutionally under Gibbs and statutorily under §1367(a), the federal court has the authority to hear the defamation claim because it is connected to the federal claim through a common nucleus of operative fact, and there are no statutory exclusions applicable in this scenario. (Wrong Conclusion from False Premise) - Due to misinterpretation in point 4.  \*\*Final Answer: C. has both constitutional and statutory authority to hear Garabedian’s defamation claim.\*\* |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. Garabedian's first claim under 42 U.S.C. §1983 for deprivation of First Amendment rights is a federal claim that provides the federal court with original jurisdiction.  2. The defamation claim is a state law claim that arises from the same set of facts as the federal claim.  3. According to United Mine Workers v. Gibbs, the federal court has constitutional power to hear the defamation claim if it arises from the same 'nucleus of operative fact' as the federal claim.  4. Section 1367(a) of the U.S. Code authorizes federal courts to exercise supplemental jurisdiction over related state law claims in proper federal cases.  5. Since the defamation claim is related to the federal claim and arises from the same 'nucleus of operative fact,' it meets the criteria for supplemental jurisdiction under §1367(a).  Final Answer: C. has both constitutional and statutory authority to hear Garabedian’s defamation claim. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The federal court has original jurisdiction over Garabedian's §1983 claim, which alleges a deprivation of his First Amendment rights. This claim provides a federal "hook" for the court to exercise jurisdiction.  2. The defamation claim, on the other hand, is a state tort claim that does not provide a basis for federal jurisdiction on its own.  3. According to United Mine Workers v. Gibbs, the federal court has constitutional power to hear state law claims that arise out of the same "nucleus of operative fact" as the federal claim. However, in this case, the defamation claim is based on statements made to the local newspaper, which may not be directly related to the refusal to allow Garabedian to speak at the zoning meeting.  4. However, the question does not explicitly state that the two claims are unrelated, and it is possible to argue that they are connected. Assuming that the claims are related, the court would have constitutional authority to hear the defamation claim under Gibbs.  5. As for statutory authority, 28 U.S.C. §1367(a) grants federal courts supplemental jurisdiction over claims that are "so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution."  6. The legislative history of §1367 and case law make clear that claims that meet the Gibbs "common nucleus of operative fact" test are part of the same "case or controversy." Therefore, if the defamation claim is related to the §1983 claim, the court would have statutory authority to hear it under §1367(a).  7. Given the assumption that the claims are related, the court would have both constitutional and statutory authority to hear Garabedian's defamation claim.  Final Answer: C |

### **13.** Carstairs is injured when he is hit by Noble’s car…

| **13.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The plaintiff starts the ball rolling by filing a complaint, but what has to be in it? Federal Rule 8 says it must contain (1) a statement of the basis for the court’s jurisdiction, (2) a statement of the relief the plaintiff is seeking, and most perplexingly, (3) ‘‘a short and plain statement of the claim showing that the pleader is entitled to relief.’’ Fed. R. Civ. P. 8(a). The purpose of pleading under the Federal Rules is notice to the opposing party: notice of the events that gave rise to the claim, and the general nature of the legal right the plaintiff asserts. The idea is to do away with technical requirements, to allow the plaintiff to proceed to discovery based on a simple, general statement of the legal claims she has against the defendant. This ‘‘short and plain statement’’ requirement is probably met even if the plaintiff does not specifically allege each element she must establish to prove the claim she asserts. For example, in a negligence case, the court and the defendant may be able to understand the nature of the plaintiff’s claim, even if she does not specifically allege each of the elements of a claim for negligence: duty, breach, causation, and damages. Similarly, it is clear that the plaintiff need not allege every fact she plans to rely on to prove her allegations. For example, she may plead generally that the defendant drove negligently, without specifying the exact conduct that was negligent. Similarly, she may plead generally that she suffered medical expenses as a result of the defendant’s negligence, without specifying in the complaint the medical procedures she required or the cost of those procedures. In addition, judges are to construe the complaint liberally, taking all reasonable inferences in the plaintiff’s favor in deciding whether an adequate claim has been alleged. The details will be explored through discovery and at trial; they need not be in the pleadings. While usually very general pleading suffices, even if it does not allege every element of a legally recognized claim, practice will vary. Judges who are sticklers for good pleading may find a complaint that fails to allege each element of a claim insufficient, while others will find a complaint adequate so long as the plaintiff asserts facts that, if proved, would support relief. Practice also varies with the type of case: Judges may be less exacting for simple types of cases, such as negligence or contract cases, but expect pleading of all the requirements of more complex claims, such as civil rights or securities cases. While Rule 8 suggests that a minimalist approach will survive a motion to dismiss, it will often make sense, to avoid challenges to the complaint and for strategic reasons, to plead in more detail.  Question:  Carstairs is injured when he is hit by Noble’s car. He sues Noble in federal court, alleging that the court has jurisdiction on the basis of diversity, that ‘‘the defendant hit me while driving down Main Street on June 14, 2016,’’ and that he suffered physical injuries as a result. He demands $100,000 in damages. Which of the following is the best argument that the complaint is insufficient under Rule 8(a)(2)?  Options:  A. The quoted allegation is inadequate because it does not give Noble notice of the events that are the basis of the suit.  B. The quoted allegation is inadequate because it provides insufficient detail concerning the location and time of the accident.  C. The quoted allegation is inadequate because it does not allege that Noble owed Carstairs a duty of care.  D. The quoted allegation is inadequate because it does not suggest that Noble has violated a legal right that gives Carstairs a right to relief from him.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  Carstairs’s complaint here is darned minimal . . . but with just a little work it would probably survive a Rule 12(b)(6) motion. We can eliminate two of the choices easily. Both A and B take the position that more detail about the facts is needed. The court is unlikely to agree. The complaint provides the date and the place of the accident (and, or course, the name of the victim, since the plaintiff’s name is in the caption of the complaint—see Rule 10(a)). This is probably enough to give Noble notice of the events he is being sued for. After all, how many accidents did he have with Carstairs on Main Street on June 14? Noble has enough information about the source of Carstairs’s claim that he can begin to investigate it and form a defense. He can get the additional detail he needs through discovery. C takes the position that Carstairs’s complaint is insufficient under Rule 8(a)(2) because it does not expressly allege that Noble owed him a duty of care. In a simple case, it is probably sufficient to allege the claim generally, or perhaps even to allege facts that show that the plaintiff may be able to prove those elements. The plaintiff will of course have to prove every element in order to recover, but it is unlikely that the judge would require Carstairs to amend to add an allegation that Noble owed him a duty of care. If, in a complex case, the plaintiff has not alleged an element, and the defendant doubts that the plaintiff has grounds to plead it under the constraints of Rule 11, he will likely challenge the plaintiff’s complaint by filing a motion to dismiss for failure to state a claim. In this situation, the motion challenges whether the plaintiff can allege each element necessary to establish her claims, and may lead the judge to require the plaintiff to amend to include the disputed allegation. See Crawford-El v. Britton, 523 U.S. 574, 598 (1998) (authorizing trial judges to require specific allegations where plaintiff’s ability to make them is challenged). In a straightforward negligence case, however, it is very doubtful that a judge would deem the complaint insufficient for failure to expressly allege that Noble owed Carstairs a duty of care. However, though the complaint may be very spare, it ought to provide an indication that ‘‘the pleader is entitled to relief.’’ Fed. R. Civ. P. 8(a)(2). A plaintiff cannot recover from a driver simply because the driver hit him on Main Street. Something more is needed to show that Carstairs is entitled to damages from Noble: a violation of the plaintiff’s legal rights. This complaint doesn’t allege that Noble did anything wrong, simply that he hit him. Contrary to public belief, an accident victim isn’t entitled to damages just because he was hurt; he must prove that the driver was at fault. The word ‘‘negligently’’ after ‘‘driving’’ would put the court and Noble on notice that Carstairs alleges that the accident resulted from Noble’s fault, which would show an entitlement to relief. Absent some suggestion of carelessness by Noble, the complaint arguably doesn’t ‘‘state a claim upon which relief can be granted.’’ On the other hand, the logic of Rule 8(a)(2) is to provide an informal description of the claim, not a mechanical black letter pronouncement of every element required in order to recover. It seems that a judge, who is supposed to take all inferences in the pleader’s favor in determining whether he has stated a claim, could reasonably infer that Carstairs alleges that Noble was driving negligently. After all, he has sued him for damages. Well, maybe so, but I think the better view is that the complaint should contain some indication that the claim alleged entitles the pleader to relief, and that means that the complaint should suggest a legal right of the plaintiff that the defendant has violated. On this reasoning, D represents the best argument that the complaint is insufficient. Some judges would likely so rule; others would probably let it go forward. |
| **Mistral-7B Analysis**  [1] The legal context provided explains that under Federal Rule 8(a), a complaint must contain a short and plain statement of the claim, showing that the plaintiff is entitled to relief. The purpose of this requirement is to provide notice to the opposing party of the events that gave rise to the claim and the general nature of the legal right the plaintiff asserts.  [2] The complaint in question, filed by Carstairs against Noble, includes a statement of the basis for jurisdiction, a statement of the relief Carstairs is seeking, and a short and plain statement of the claim. The statement of the claim is that "the defendant hit me while driving down Main Street on June 14, 2016," and Carstairs suffered physical injuries as a result.  [3] The options provided suggest that the complaint is insufficient because it does not give Noble notice of the events that are the basis of the suit (Option A), it does not provide sufficient detail concerning the location and time of the accident (Option B), it does not allege that Noble owed Carstairs a duty of care (Option C), or it does not suggest that Noble has violated a legal right that gives Carstairs a right to relief from him (Option D).  [4] Option C is the best argument that the complaint is insufficient under Rule 8(a)(2). The statement of the claim in the complaint does not allege that Noble owed Carstairs a duty of care, which is an essential element of a negligence claim. The purpose of pleading under the Federal Rules is to provide notice to the opposing party of the legal claims being asserted against them. By not alleging that Noble owed Carstairs a duty of care, the complaint fails to provide adequate notice to Noble of the legal claims being asserted against him.  [Final Answer: C] |
| **Llama-3-8b-instruct Analysis**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. The question asks which of the following is the best argument that the complaint is insufficient under Rule 8(a)(2).  2. Rule 8(a)(2) requires a "short and plain statement of the claim showing that the pleader is entitled to relief".  3. The complaint alleges that Noble hit Carstairs while driving down Main Street on June 14, 2016, and that Carstairs suffered physical injuries as a result.  4. The complaint does not specifically allege each element of a claim for negligence, such as duty, breach, causation, and damages.  5. However, the complaint does provide a general statement of the claim, which is that Noble hit Carstairs while driving, and that Carstairs suffered physical injuries as a result.  6. The complaint is sufficient under Rule 8(a)(2) because it provides notice to Noble of the events that gave rise to the claim, and the general nature of the legal right Carstairs asserts.  7. The complaint does not need to allege every fact Carstairs plans to rely on to prove his allegations, such as the exact conduct that was negligent or the medical procedures he required.  8. The details will be explored through discovery and at trial; they need not be in the pleadings.  \*\*Final Answer:\*\*  A. The quoted allegation is inadequate because it does not give Noble notice of the events that are the basis of the suit.  The best argument that the complaint is insufficient under Rule 8(a)(2) is that the quoted allegation does not provide sufficient notice to Noble of the events that are the basis of the suit. While the complaint does provide a general statement of the claim, it does not provide specific details about the accident, such as the location and time of the accident, which could be important for Noble's defense. |
| **GPT-3.5-turbo Analysis:**  1. The purpose of pleading under Federal Rule 8 is to provide notice to the opposing party of the events that gave rise to the claim and the general nature of the legal right the plaintiff asserts.  2. The complaint must contain a short and plain statement of the claim showing that the pleader is entitled to relief.  3. In this case, Carstairs alleges that Noble hit him while driving down Main Street on June 14, 2016, and that he suffered physical injuries as a result. He demands $100,000 in damages.  4. The best argument that the complaint is insufficient under Rule 8(a)(2) would be that the quoted allegation is inadequate because it does not suggest that Noble has violated a legal right that gives Carstairs a right to relief from him.  5. Therefore, the correct option is D. The quoted allegation is inadequate because it does not suggest that Noble has violated a legal right that gives Carstairs a right to relief from him. |
| **GPT-4-turbo analysis:**  1. \*\*Understanding Rule 8(a)(2)\*\*: According to Federal Rule 8(a)(2), a complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." This rule emphasizes simplicity and generality in pleading, rather than detailed factual allegations.  2. \*\*Purpose of the Rule\*\*: The primary purpose of this rule is to provide the defendant with adequate notice of the claim and the general nature of the grievance. The rule is designed to eliminate technicalities in pleading and focuses on the essence of the claim rather than the specifics.  3. \*\*Analysis of the Complaint\*\*: Carstairs' complaint states that Noble hit him while driving, specifies the date and location of the incident, and mentions the injuries suffered, along with the relief sought ($100,000). This gives Noble a clear understanding of the events leading to the lawsuit.  4. \*\*Evaluating the Options\*\*:  - \*\*Option A\*\*: This option suggests that Noble does not have notice of the events basis of the suit. However, the complaint does specify when and where the incident occurred, which contradicts this option.  - \*\*Option B\*\*: This option claims there is insufficient detail about the location and time. However, the complaint does mention "Main Street" and "June 14, 2016," which are specific enough for initial pleadings.  - \*\*Option C\*\*: This option points out the lack of an explicit statement that Noble owed a duty of care. Under Rule 8(a)(2), it is not necessary to allege every element of the claim (like duty of care in negligence) in detail. The rule allows for general statements sufficient to indicate the nature of the claim.  - \*\*Option D\*\*: This option argues that the complaint does not suggest Noble violated a legal right. However, by stating that Noble hit him, it implicitly suggests a violation (negligence) that led to Carstairs' injuries, thus giving him a right to relief.  5. \*\*Conclusion\*\*: The most fitting argument among the provided options, considering the requirements of Rule 8(a)(2) and the nature of the complaint, is that the complaint might be seen as lacking because it does not explicitly state that Noble owed Carstairs a duty of care. However, given the rule's emphasis on general pleading, this is not necessarily a fatal flaw, but it is the closest to a valid criticism based on the options given.  \*\*Final Answer: C. The quoted allegation is inadequate because it does not allege that Noble owed Carstairs a duty of care.\*\* |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. The complaint must contain a statement of the relief the plaintiff is seeking, as per Federal Rule 8(a)(2).  2. The complaint states that Carstairs demands $100,000 in damages, which satisfies the requirement of stating the relief sought.  3. The complaint also provides a statement of the basis for the court's jurisdiction, which is diversity, and a short and plain statement of the claim showing that the pleader is entitled to relief.  4. The complaint does not need to allege every fact the plaintiff plans to rely on to prove his allegations, as per the legal context provided.  5. The complaint does not need to specifically allege each element of a claim for negligence, such as duty, breach, causation, and damages, as long as the claim is understandable.  Based on the legal context and the requirements of Rule 8(a)(2), the best argument that the complaint is insufficient under Rule 8(a)(2) is:  [Final Answer: D. The quoted allegation is inadequate because it does not suggest that Noble has violated a legal right that gives Carstairs a right to relief from him.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The question asks for the best argument that the complaint is insufficient under Rule 8(a)(2), which requires a "short and plain statement of the claim showing that the pleader is entitled to relief."  2. The purpose of pleading under the Federal Rules is to provide notice to the opposing party of the events that gave rise to the claim and the general nature of the legal right the plaintiff asserts.  3. Carstairs' complaint alleges that Noble hit him while driving down Main Street on June 14, 2016, and that he suffered physical injuries as a result. This provides notice of the events that gave rise to the claim.  4. The complaint does not specifically allege each element of a claim for negligence (duty, breach, causation, and damages), but this is not necessarily required under Rule 8(a)(2).  5. Option A is incorrect because the quoted allegation does give Noble notice of the events that are the basis of the suit.  6. Option B is incorrect because the quoted allegation provides sufficient detail concerning the location and time of the accident.  7. Option C is incorrect because, as mentioned earlier, the complaint does not need to specifically allege each element of a claim for negligence, including the duty of care.  8. Option D is the best argument that the complaint is insufficient under Rule 8(a)(2) because it suggests that the complaint does not provide notice of the general nature of the legal right Carstairs asserts. The complaint does not explicitly state that Noble's actions were negligent or that he violated a legal right that gives Carstairs a right to relief.  Final Answer: D |
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| **Human Annotator Analysis of Mistral-7B:**  [1] The legal context provided explains that under Federal Rule 8(a), a complaint must contain a short and plain statement of the claim, showing that the plaintiff is entitled to relief. The purpose of this requirement is to provide notice to the opposing party of the events that gave rise to the claim and the general nature of the legal right the plaintiff asserts. (Misinterpretation) - it must contain (1) a statement of the basis for the court’s jurisdiction, (2) a statement of the relief the plaintiff is seeking, and most perplexingly, (3) ‘**‘a short and plain statement of the claim showing that the pleader is entitled to relief**.’’ Mistral instead just focuses on the “short and plain statement of the claim” part. (Cherry-Picking)  [2] The complaint in question, filed by Carstairs against Noble, includes a statement of the basis for jurisdiction, a statement of the relief Carstairs is seeking, and a short and plain statement of the claim. The statement of the claim is that "the defendant hit me while driving down Main Street on June 14, 2016," and Carstairs suffered physical injuries as a result. (Correct)  [3] The options provided suggest that the complaint is insufficient because it does not give Noble notice of the events that are the basis of the suit (Option A), it does not provide sufficient detail concerning the location and time of the accident (Option B), it does not allege that Noble owed Carstairs a duty of care (Option C), or it does not suggest that Noble has violated a legal right that gives Carstairs a right to relief from him (Option D). (Correct)  [4] Option C is the best argument that the complaint is insufficient under Rule 8(a)(2). The statement of the claim in the complaint does not allege that Noble owed Carstairs a duty of care, which is an essential element of a negligence claim. The purpose of pleading under the Federal Rules is to provide notice to the opposing party of the legal claims being asserted against them. By not alleging that Noble owed Carstairs a duty of care, the complaint fails to provide adequate notice to Noble of the legal claims being asserted against him.  (Wrong Conclusion from False Premises) - The legal context and gold-standard reasoning indicate that in a simple negligence case, it is generally sufficient to allege the claim without specifically alleging each element, such as duty of care. Therefore, the argument presented in this premise is not the best argument under Rule 8(a)(2). Therefore the better argument is that Carstairs needs to put forwards that his legal right has been violated by Noble due to negligence in driving; alleging specific elements like ‘duty of care’ comes later on.  [Final Answer: C] |
| **Human Annotator Analysis of Llama-3-8B-instruct:**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. The question asks which of the following is the best argument that the complaint is insufficient under Rule 8(a)(2). (Correct)  2. Rule 8(a)(2) requires a "short and plain statement of the claim showing that the pleader is entitled to relief". (Correct)  3. The complaint alleges that Noble hit Carstairs while driving down Main Street on June 14, 2016, and that Carstairs suffered physical injuries as a result.(Correct)  4. The complaint does not specifically allege each element of a claim for negligence, such as duty, breach, causation, and damages.(Correct)  5. However, the complaint does provide a general statement of the claim, which is that Noble hit Carstairs while driving, and that Carstairs suffered physical injuries as a result. (Correct)  6. The complaint is sufficient under Rule 8(a)(2) because it provides notice to Noble of the events that gave rise to the claim, and the general nature of the legal right Carstairs asserts. (Misinterpretation) - Flawed analysis, the complaint is not sufficient to assert Carstair’s legal rights. Because his complaint does not allege that Noble did anything wrong, simply that he hit him. There is no indication of negligent driving by Noble. The complaint needs to tell that Noble did something wrong while driving to cause him those injuries  7. The complaint does not need to allege every fact Carstairs plans to rely on to prove his allegations, such as the exact conduct that was negligent or the medical procedures he required. (Misinterpretation) -The complaint has missed the actual point which can make it sufficient - How exactly was Noble at fault?  8. The details will be explored through discovery and at trial; they need not be in the pleadings. (Misinterpretation) - Wrong, some details (like how was Noble’s driving at fault?) actually need to be in the pleadings.  \*\*Final Answer:\*\*  A. The quoted allegation is inadequate because it does not give Noble notice of the events that are the basis of the suit. (Wrong Conclusion from False Premises) - This is blatantly wrong line of reasoning, the reasoning chain supports the sufficiency of the complaint but at the end chooses a wrong conclusion which tells that the complaint is not sufficient!  The best argument that the complaint is insufficient under Rule 8(a)(2) is that the quoted allegation does not provide sufficient notice to Noble of the events that are the basis of the suit. While the complaint does provide a general statement of the claim, it does not provide specific details about the accident, such as the location and time of the accident, which could be important for Noble's defense. (Still wrong because sufficient and reasonable notice has been provided to Noble for him to know this regarding a specific incident on a specific date) |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The purpose of pleading under Federal Rule 8 is to provide notice to the opposing party of the events that gave rise to the claim and the general nature of the legal right the plaintiff asserts. (Correct)  2. The complaint must contain a short and plain statement of the claim showing that the pleader is entitled to relief. (Incorrect) (Cherry Picking) - Must also contain a statement of the basis for the court’s jurisdiction and a statement of the relief the plaintiff is seeking.  3. In this case, Carstairs alleges that Noble hit him while driving down Main Street on June 14, 2016, and that he suffered physical injuries as a result. He demands $100,000 in damages. (Correct)  4. The best argument that the complaint is insufficient under Rule 8(a)(2) would be that the quoted allegation is inadequate because it does not suggest that Noble has violated a legal right that gives Carstairs a right to relief from him. (Correct)  5. Therefore, the correct option is D. The quoted allegation is inadequate because it does not suggest that Noble has violated a legal right that gives Carstairs a right to relief from him. (Correct Conclusion from Incomplete Premises) |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding Rule 8(a)(2)\*\*: According to Federal Rule 8(a)(2), a complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." This rule emphasizes simplicity and generality in pleading, rather than detailed factual allegations. (Correct)  2. \*\*Purpose of the Rule\*\*: The primary purpose of this rule is to provide the defendant with adequate notice of the claim and the general nature of the grievance. The rule is designed to eliminate technicalities in pleading and focuses on the essence of the claim rather than the specifics. (Correct)  3. \*\*Analysis of the Complaint\*\*: Carstairs' complaint states that Noble hit him while driving, specifies the date and location of the incident, and mentions the injuries suffered, along with the relief sought ($100,000). This gives Noble a clear understanding of the events leading to the lawsuit. (Misinterpretation) - According to the question, Noble wants to dismiss the case, so it can be assumed he is not clear on the understanding of events leading to a lawsuit against him.  4. \*\*Evaluating the Options\*\*:  - \*\*Option A\*\*: This option suggests that Noble does not have notice of the events basis of the suit. However, the complaint does specify when and where the incident occurred, which contradicts this option. (Correct)  - \*\*Option B\*\*: This option claims there is insufficient detail about the location and time. However, the complaint does mention "Main Street" and "June 14, 2016," which are specific enough for initial pleadings. (Correct)  - \*\*Option C\*\*: This option points out the lack of an explicit statement that Noble owed a duty of care. Under Rule 8(a)(2), it is not necessary to allege every element of the claim (like duty of care in negligence) in detail. The rule allows for general statements sufficient to indicate the nature of the claim. (Correct)  - \*\*Option D\*\*: This option argues that the complaint does not suggest Noble violated a legal right. However, by stating that Noble hit him, it implicitly suggests a violation (negligence) that led to Carstairs' injuries, thus giving him a right to relief. (Correct)  Step 4 has no apparent reasoning involved.    5. \*\*Conclusion\*\*: The most fitting argument among the provided options, considering the requirements of Rule 8(a)(2) and the nature of the complaint, is that the complaint might be seen as lacking because it does not explicitly state that Noble owed Carstairs a duty of care. However, given the rule's emphasis on general pleading, this is not necessarily a fatal flaw, but it is the closest to a valid criticism based on the options given. (Misinterpretation) - However, in this case there is an absence of mention of any legal right of Carstair being violated by Noble. The LLM is not able to properly take into account that the question is asking for grounds on which case can be dismissed. Hence, it chose the wrong option.  \*\*Final Answer: C. The quoted allegation is inadequate because it does not allege that Noble owed Carstairs a duty of care.\*\* (Wrong Conclusion from False Premise) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The complaint must contain a statement of the relief the plaintiff is seeking, as per Federal Rule 8(a)(2).  2. The complaint states that Carstairs demands $100,000 in damages, which satisfies the requirement of stating the relief sought.  3. The complaint also provides a statement of the basis for the court's jurisdiction, which is diversity, and a short and plain statement of the claim showing that the pleader is entitled to relief.  4. The complaint does not need to allege every fact the plaintiff plans to rely on to prove his allegations, as per the legal context provided.  5. The complaint does not need to specifically allege each element of a claim for negligence, such as duty, breach, causation, and damages, as long as the claim is understandable.  Based on the legal context and the requirements of Rule 8(a)(2), the best argument that the complaint is insufficient under Rule 8(a)(2) is:  [Final Answer: D. The quoted allegation is inadequate because it does not suggest that Noble has violated a legal right that gives Carstairs a right to relief from him.] |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The question asks for the best argument that the complaint is insufficient under Rule 8(a)(2), which requires a "short and plain statement of the claim showing that the pleader is entitled to relief."  2. The purpose of pleading under the Federal Rules is to provide notice to the opposing party of the events that gave rise to the claim and the general nature of the legal right the plaintiff asserts.  3. Carstairs' complaint alleges that Noble hit him while driving down Main Street on June 14, 2016, and that he suffered physical injuries as a result. This provides notice of the events that gave rise to the claim.  4. The complaint does not specifically allege each element of a claim for negligence (duty, breach, causation, and damages), but this is not necessarily required under Rule 8(a)(2).  5. Option A is incorrect because the quoted allegation does give Noble notice of the events that are the basis of the suit.  6. Option B is incorrect because the quoted allegation provides sufficient detail concerning the location and time of the accident.  7. Option C is incorrect because, as mentioned earlier, the complaint does not need to specifically allege each element of a claim for negligence, including the duty of care.  8. Option D is the best argument that the complaint is insufficient under Rule 8(a)(2) because it suggests that the complaint does not provide notice of the general nature of the legal right Carstairs asserts. The complaint does not explicitly state that Noble's actions were negligent or that he violated a legal right that gives Carstairs a right to relief.  Final Answer: D |

### **14.** Farrell, a potter, sues Malone for negligence…

| **14.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The Federal Rules give all parties one free shot at amending their pleadings. ‘‘As a matter of course’’ means without leave of court(without getting permission from the court.) or consent of the adverse party (the opposing party in the case). You have a right to do it. You just file the amended pleading and it supersedes (or supplements) the first. If you’re a defending party, and your answer ‘‘closes the pleadings’’ (that is, no further pleading is allowed in response to your answer), you may amend your answer once within twenty-one days after serving it. Fed. R. Civ. P. 15(a)(1)(A). If the pleading is one to which a responsive pleading is required—typically, the original complaint, but also an answer that asserts a counterclaim or crossclaim—the pleader may amend as a matter of course within twenty-one days after service of the opposing party’s responsive pleading (usually, the answer) or a responsive motion under Rule 12. Fed. R. Civ. P. 15(a)(1)(B). Just to illustrate: Maxim serves a complaint for defamation on Ruggiero, who files an answer to the complaint and serves it on Maxim. Maxim may amend his complaint without leave of court within twenty- one days after Ruggiero serves the answer (or a motion to dismiss) on Maxim. That’s governed by subsection (a)(1)(B). Ruggiero can amend his answer without leave of court within twenty-one days after he serves it on Maxim. That’s governed by subsection (a)(1)(A). Actually, this is so simple that it is totally confusing. I confused myself in trying to write this. But hopefully working through the two questions below will help.  Question:  Farrell, a potter, sues Malone for negligence, seeking to recover for personal injuries she suffered in an accident while a passenger in Malone’s car driving to a crafts fair. She sues in federal court based on diversity jurisdiction on January 2 and serves the complaint on Malone on January 4. On January 22, twenty days after receiving it, Malone moves to dismiss the complaint under Fed. R. Civ. P. 12(b)(2) for lack of personal jurisdiction. On February 9, Farrell amends the complaint to add a second claim against Malone for damage to seven boxes of pots that were in the car and broken due to the accident. Farrell’s amendment  Options:  A. is too late to be filed as of right, since it is served more than twenty-one days after she filed the complaint.  B. is too late, because it is filed after Malone has responded to the complaint.  C. is timely under Fed. R. Civ. P. 15(a)(1)(B).  D. is improper, because it adds a claim for different damages not mentioned in the original complaint.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  D is a real woofer. Nothing in Rule 15 says that the claims added by amendment must be for the same damages or for the same events as the original complaint. The amendment may add different damages, different legal theories, different facts, whatever. Rule 15 places no limit on the substantive nature of the changes that are allowed. Farrell could add a claim for shooting her pet rhinoceros in Piccadilly Circus if she likes. A is also off the mark. The twenty-one day limit on the original plaintiff’s right to amend runs from service of the responsive pleading or motion, not from the filing of the original complaint. Fed. R. Civ. P. 15(a)(1)(B). And B is similarly a dud, because Fed. R. Civ. P. 15(a)(1) (B) allows Farrell twenty-one days after Malone serves the Rule 12 motion to amend as of right. So C is right; Farrell may amend as of right because the twenty-one day period for doing so has not run. |
| **Mistral-7B Analysis**  [1] According to the legal context provided, a party may amend their pleading as a matter of course within twenty-one days after service of the opposing party's responsive pleading or a responsive motion under Rule 12.  [2] In this case, Farrell filed her complaint against Malone on January 2 and served it on him on January 4. Malone filed a motion to dismiss on January 22, which is twenty days after receiving the complaint.  [3] Farrell amended her complaint on February 9, which is thirty-five days after she filed the original complaint.  [4] Based on the legal context, the amendment is not timely if it is served more than twenty-one days after the service of the opposing party's responsive pleading or a responsive motion under Rule 12.  [5] In this case, Malone's motion to dismiss is not considered a responsive pleading because it is not an answer or a counterclaim. It is a motion to dismiss for lack of personal jurisdiction.  [6] Therefore, the amendment is not timely under Fed. R. Civ. P. 15(a)(1)(B) because it is served more than twenty-one days after the service of the opposing party's responsive pleading (which in this case does not exist).  [Final Answer: A] |
| **Llama-3-8b-instruct Analysis**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. The question asks whether Farrell's amendment is timely under Fed. R. Civ. P. 15(a)(1)(B).  2. Fed. R. Civ. P. 15(a)(1)(B) allows a party to amend a pleading as a matter of course within twenty-one days after service of the opposing party's responsive pleading (usually, the answer) or a responsive motion under Rule 12.  3. In this case, Malone moved to dismiss the complaint under Fed. R. Civ. P. 12(b)(2) on January 22, which is a responsive motion under Rule 12.  4. Farrell served the amended complaint on February 9, which is within twenty-one days after Malone's responsive motion (January 22 to February 9 is 18 days).  5. Therefore, Farrell's amendment is timely under Fed. R. Civ. P. 15(a)(1)(B).  \*\*Final Answer:\*\*  C. is timely under Fed. R. Civ. P. 15(a)(1)(B).  Farrell's amendment is timely because it is served within twenty-one days after Malone's responsive motion under Rule 12. |
| **GPT-3.5-turbo analysis:**  1. Farrell filed the original complaint on January 2 and served it on Malone on January 4.  2. Malone moved to dismiss the complaint on January 22, which is within the twenty-one days after receiving the complaint.  3. Since Malone's motion to dismiss is considered a responsive motion under Rule 12, Farrell has twenty-one days after the motion to amend her complaint as a matter of course.  4. Therefore, Farrell's amendment on February 9 to add a second claim for damage to the pots is timely under Fed. R. Civ. P. 15(a)(1)(B).  Final Answer: C. is timely under Fed. R. Civ. P. 15(a)(1)(B). |
| **GPT-4-turbo analysis:**  1. \*\*Understanding the Rule\*\*: According to Fed. R. Civ. P. 15(a)(1)(B), a pleader may amend a pleading as a matter of course within twenty-one days after service of a responsive pleading or a motion under Rule 12. This rule allows for an amendment without needing the court's permission or the opposing party's consent within this timeframe.  2. \*\*Analyzing the Timeline\*\*: Farrell initially filed and served her complaint on Malone on January 2 and January 4, respectively. Malone then moved to dismiss the complaint under Rule 12(b)(2) on January 22, which counts as a responsive motion under Rule 12.  3. \*\*Counting the Days for Amendment\*\*: Since Malone's motion to dismiss is considered a responsive pleading under Rule 12, Farrell has twenty-one days from January 22 to amend her complaint as a matter of course. This gives her until February 12 to file an amendment without needing permission.  4. \*\*Reviewing the Date of Amendment\*\*: Farrell amended her complaint on February 9, which falls within the twenty-one-day period after Malone's Rule 12 motion.  5. \*\*Considering the Nature of the Amendment\*\*: The fact that Farrell added a claim for additional damages (damage to the pots) does not affect her right to amend the complaint within the specified period. Rule 15(a)(1)(B) does not restrict the type of amendments that can be made; it primarily governs the timing of the amendment.  \*\*Final Answer: C. is timely under Fed. R. Civ. P. 15(a)(1)(B).\*\* Farrell's amendment of the complaint to include additional claims is permissible within the twenty-one days following Malone's motion to dismiss under Rule 12. |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. The Federal Rules allow parties to amend their pleadings as a matter of course within twenty-one days after serving the pleading or a responsive pleading or a responsive motion under Rule 12.  2. Farrell filed the original complaint on January 2 and served it on Malone on January 4.  3. Malone filed a motion to dismiss under Fed. R. Civ. P. 12(b)(2) on January 22, which is within twenty-one days after receiving the complaint.  4. Farrell amended the complaint on February 9, which is more than twenty-one days after serving the original complaint and after Malone's motion to dismiss.  5. The amendment is not a matter of course because it is filed after the twenty-one-day period and after Malone's response.  6. The amendment is not improper because it is adding a claim related to the same incident, which is permissible under the Federal Rules.  Final Answer: B. is too late, because it is filed after Malone has responded to the complaint. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. Farrell sues Malone for negligence in federal court and serves the complaint on January 4.  2. Malone responds with a motion to dismiss under Fed. R. Civ. P. 12(b)(2) on January 22, which is twenty days after receiving the complaint, but still within the twenty-one-day timeframe for a responsive motion.  3. According to Fed. R. Civ. P. 15(a)(1)(B), if the pleading is one to which a responsive pleading is required, the pleader may amend as a matter of course within twenty-one days after service of the opposing party's responsive pleading or a responsive motion under Rule 12.  4. Since Malone's motion to dismiss is a responsive motion under Rule 12, Farrell has twenty-one days from the date of service of the motion (January 22) to amend her complaint as a matter of course.  5. Farrell amends the complaint on February 9, which is eighteen days after Malone's motion to dismiss. This is within the twenty-one-day timeframe allowed by Fed. R. Civ. P. 15(a)(1)(B).  6. The amendment is not too late, as it is filed within the allowed timeframe, and it is not improper because it is allowed under the federal rules.  Final Answer: C |
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| **Human Annotator Analysis of Mistral-7B**  [1] According to the legal context provided, a party may amend their pleading as a matter of course within twenty-one days after service of the opposing party's responsive pleading or a responsive motion under Rule 12. (Correct)  [2] In this case, Farrell filed her complaint against Malone on January 2 and served it on him on January 4. Malone filed a motion to dismiss on January 22, which is twenty days after receiving the complaint. (Correct) - This is a statement directly from the wording of the question.  [3] Farrell amended her complaint on February 9, which is thirty-five days after she filed the original complaint. (Irrelevant Premise) - This is irrelevant because Farrell, as the plaintiff, has 21 days to amend her complaint after Malone gives a response.  [4] Based on the legal context, the amendment is not timely if it is served more than twenty-one days after the service of the opposing party's responsive pleading or a responsive motion under Rule 12. (Correct)  [5] In this case, Malone's motion to dismiss is not considered a responsive pleading because it is not an answer or a counterclaim. It is a motion to dismiss for lack of personal jurisdiction. (Misinterpretation) - Malone’s motion is a responsive pleading; this is mentioned in the legal context.  [6] Therefore, the amendment is not timely under Fed. R. Civ. P. 15(a)(1)(B) because it is served more than twenty-one days after the service of the opposing party's responsive pleading (which in this case does not exist).  (Wrong Conclusion from False Premises) - Mistral is misled by reasoning errors it made in [3] and [5] into believing that the amendment arrived too late when it was actually proper.  [Final Answer: A] |
| **Human Annotator Analysis of Llama-3-8B**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. The question asks whether Farrell's amendment is timely under Fed. R. Civ. P. 15(a)(1)(B). (Correct)  2. Fed. R. Civ. P. 15(a)(1)(B) allows a party to amend a pleading as a matter of course within twenty-one days after service of the opposing party's responsive pleading (usually, the answer) or a responsive motion under Rule 12. (Correct)  3. In this case, Malone moved to dismiss the complaint under Fed. R. Civ. P. 12(b)(2) on January 22, which is a responsive motion under Rule 12. (Correct)  4. Farrell served the amended complaint on February 9, which is within twenty-one days after Malone's responsive motion (January 22 to February 9 is 18 days). (Correct)  5. Therefore, Farrell's amendment is timely under Fed. R. Civ. P. 15(a)(1)(B). (Correct)  \*\*Final Answer:\*\*  C. is timely under Fed. R. Civ. P. 15(a)(1)(B). (Correct)  Farrell's amendment is timely because it is served within twenty-one days after Malone's responsive motion under Rule 12. (This is probably the only instance where the LLM’s answer is cleaner and more convincing than Reasoning Chain 1, the author tried to be cheeky and humorous there more than it is required.) |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. Farrell filed the original complaint on January 2 and served it on Malone on January 4. (Correct)  2. Malone moved to dismiss the complaint on January 22, which is within the twenty-one days after receiving the complaint. (Correct)  3. Since Malone's motion to dismiss is considered a responsive motion under Rule 12, Farrell has twenty-one days after the motion to amend her complaint as a matter of course. (Correct)  4. Therefore, Farrell's amendment on February 9 to add a second claim for damage to the pots is timely under Fed. R. Civ. P. 15(a)(1)(B). (Correct)  Final Answer: C. is timely under Fed. R. Civ. P. 15(a)(1)(B). |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the Rule\*\*: According to Fed. R. Civ. P. 15(a)(1)(B), a pleader may amend a pleading as a matter of course within twenty-one days after service of a responsive pleading or a motion under Rule 12. This rule allows for an amendment without needing the court's permission or the opposing party's consent within this timeframe. (Correct)  2. \*\*Analyzing the Timeline\*\*: Farrell initially filed and served her complaint on Malone on January 2 and January 4, respectively. Malone then moved to dismiss the complaint under Rule 12(b)(2) on January 22, which counts as a responsive motion under Rule 12. (Correct)  3. \*\*Counting the Days for Amendment\*\*: Since Malone's motion to dismiss is considered a responsive pleading under Rule 12, Farrell has twenty-one days from January 22 to amend her complaint as a matter of course. This gives her until February 12 to file an amendment without needing permission. (Correct)  4. \*\*Reviewing the Date of Amendment\*\*: Farrell amended her complaint on February 9, which falls within the twenty-one-day period after Malone's Rule 12 motion. (Correct)  5. \*\*Considering the Nature of the Amendment\*\*: The fact that Farrell added a claim for additional damages (damage to the pots) does not affect her right to amend the complaint within the specified period. Rule 15(a)(1)(B) does not restrict the type of amendments that can be made; it primarily governs the timing of the amendment. (Correct)  \*\*Final Answer: C. is timely under Fed. R. Civ. P. 15(a)(1)(B).\*\* Farrell's amendment of the complaint to include additional claims is permissible within the twenty-one days following Malone's motion to dismiss under Rule 12. (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The Federal Rules allow parties to amend their pleadings as a matter of course within twenty-one days after serving the pleading or a responsive pleading or a responsive motion under Rule 12.  2. Farrell filed the original complaint on January 2 and served it on Malone on January 4.  3. Malone filed a motion to dismiss under Fed. R. Civ. P. 12(b)(2) on January 22, which is within twenty-one days after receiving the complaint.  4. Farrell amended the complaint on February 9, which is more than twenty-one days after serving the original complaint and after Malone's motion to dismiss.  5. The amendment is not a matter of course because it is filed after the twenty-one-day period and after Malone's response.  6. The amendment is not improper because it is adding a claim related to the same incident, which is permissible under the Federal Rules.  Final Answer: B. is too late, because it is filed after Malone has responded to the complaint. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. Farrell sues Malone for negligence in federal court and serves the complaint on January 4.  2. Malone responds with a motion to dismiss under Fed. R. Civ. P. 12(b)(2) on January 22, which is twenty days after receiving the complaint, but still within the twenty-one-day timeframe for a responsive motion.  3. According to Fed. R. Civ. P. 15(a)(1)(B), if the pleading is one to which a responsive pleading is required, the pleader may amend as a matter of course within twenty-one days after service of the opposing party's responsive pleading or a responsive motion under Rule 12.  4. Since Malone's motion to dismiss is a responsive motion under Rule 12, Farrell has twenty-one days from the date of service of the motion (January 22) to amend her complaint as a matter of course.  5. Farrell amends the complaint on February 9, which is eighteen days after Malone's motion to dismiss. This is within the twenty-one-day timeframe allowed by Fed. R. Civ. P. 15(a)(1)(B).  6. The amendment is not too late, as it is filed within the allowed timeframe, and it is not improper because it is allowed under the federal rules.  Final Answer: C |

### **15.** sanctions under Rule 11...

| **15.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The previous chapters review the rules governing pleading and amendments. They are flexible and expansive, allowing parties to state as many claims as they have, even if inconsistent or contradictory, and to revise their pleadings as they learn more about their cases. These flexible standards for taking positions before the court allow parties a great deal of latitude in asserting claims and defenses that may apply to their cases. However, that latitude does have its limits. Those limits are found in Rule 11. Rule 11 provides that a party (or an unrepresented litigant) makes certain certifications when presenting pleadings, motions, briefs, and arguments to the federal court. The question below gets us started by addressing an important question: What acts of a litigant trigger these certifications under Rule 11? (You should be able to answer this question based on a careful reading of Rule 11(a) and (b).) Rule 11 (from <https://www.law.cornell.edu/rules/frcp/rule_11>) : (a) Signature. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention. (b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.  Question:  Which of the following acts might subject a litigant to sanctions under Rule 11?  Options:  A. A lawyer makes a legal argument in a telephone conversation with opposing counsel for which she has no supporting legal authority.  B. A lawyer fails to answer a set of interrogatories propounded to her client by the opposing party.  C. A lawyer sends a letter to opposing counsel demanding damages for medical expenses which his client alleges she incurred, but actually did not.  D. A lawyer files a complaint seeking damages for medical expenses her client claims to have suffered, without seeking any evidence from the client that she incurred those expenses.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  Rule 11 does not apply to all acts in the course of litigation, or even to most. It applies only to representations made before the court. The first sentence of Rule 11(b) makes that clear: The certifications under the Rule apply when a lawyer or unrepresented party ‘‘present[s] to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating’’ that submission. In the question, only D involves such a filing. By filing the complaint, Middleton ‘‘presented to the court’’ the demand for medical expenses. That act of filing the pleading triggers the representations in Rule 11(b) about positions taken in that pleading. If the claim for medical expenses is unsupported, and Middleton did not take adequate steps to determine whether there is support for it, she can be sanctioned for submitting it to the court. |
| **Mistral-7B Analysis**  1. Rule 11(a) and (b) outline the acts that trigger the certifications required under Rule 11.  2. Rule 11(a) applies to any pleading, motion, or other paper presented to the court, while Rule 11(b) applies to statements made during depositions, hearings, or at trial.  3. The question asks about acts that might subject a litigant to sanctions under Rule 11.  4. Sanctions can be imposed for making false statements of material fact or law, or for engaging in conduct that is considered vexatious, unreasonable, or without foundation.  5. Let's examine each option:  A. A lawyer making a legal argument without supporting legal authority does not directly involve a false statement or conduct that is considered vexatious, unreasonable, or without foundation. However, if the argument is made in bad faith or with reckless disregard for the truth, it could potentially lead to sanctions under Rule 11(b)(3) for making a false representation of fact or law.  B. Failing to answer interrogatories can result in sanctions under Rule 11(b)(2)(B) for failing to cooperate in discovery.  C. Sending a letter demanding damages for medical expenses that the client did not incur is a false representation of fact, which could lead to sanctions under Rule 11(b)(2)(C) for making a false statement of material fact.  D. Filing a complaint seeking damages for medical expenses without seeking any evidence from the client that she incurred those expenses does not directly involve a false statement or conduct that is considered vexatious, unreasonable, or without foundation. However, if the complaint is filed in bad faith or with reckless disregard for the truth, it could potentially lead to sanctions under Rule 11(b)(3) for making a false representation of fact or law.  6. Based on the information provided, option B is the most likely answer. The failure to answer interrogatories can result in sanctions under Rule 11(b)(2)(B) for failing to cooperate in discovery. |
| **Llama-3-8b-instruct Analysis**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. Rule 11(b) sets out the certifications that a party or attorney must make when presenting a pleading, written motion, or other paper to the court.  2. The certifications are designed to ensure that the party or attorney is not engaging in improper conduct, such as harassment, unnecessary delay, or needlessly increasing the cost of litigation.  3. The certifications also require the party or attorney to ensure that their claims, defenses, and factual contentions are warranted by existing law or have evidentiary support.  4. The question asks which of the following acts might subject a litigant to sanctions under Rule 11.  \*\*Analysis of options:\*\*  A. A lawyer makes a legal argument in a telephone conversation with opposing counsel for which she has no supporting legal authority.  \* This act does not necessarily trigger sanctions under Rule 11, as it is a verbal argument and not a written pleading or paper.  B. A lawyer fails to answer a set of interrogatories propounded to her client by the opposing party.  \* This act may not trigger sanctions under Rule 11, as it is a failure to respond to discovery requests and not a pleading or paper.  C. A lawyer sends a letter to opposing counsel demanding damages for medical expenses which his client alleges she incurred, but actually did not.  \* This act may trigger sanctions under Rule 11, as it is a written communication that makes a factual contention (the client incurred medical expenses) without evidentiary support.  D. A lawyer files a complaint seeking damages for medical expenses her client claims to have suffered, without seeking any evidence from the client that she incurred those expenses.  \* This act may trigger sanctions under Rule 11, as it is a pleading that makes factual contentions (the client incurred medical expenses) without evidentiary support.  \*\*Final Answer:\*\*  The correct option is C. A lawyer sends a letter to opposing counsel demanding damages for medical expenses which his client alleges she incurred, but actually did not. |
| **GPT-3.5-turbo Analysis:**  1. Rule 11 requires that when presenting pleadings, motions, briefs, or arguments to the federal court, a party must certify that to the best of their knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the contentions are warranted by existing law or a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.  2. Rule 11 also requires that the attorney's signature on the document certifies that the document is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.  3. Based on the options provided:  - Option A: Making a legal argument without supporting legal authority could be considered a violation of Rule 11 as it may not be warranted by existing law or a nonfrivolous argument.  - Option B: Failing to answer interrogatories may not necessarily trigger Rule 11 sanctions, as it does not directly relate to the certifications required by Rule 11.  - Option C: Sending a letter demanding damages for expenses that were not actually incurred could be considered presenting a document for an improper purpose, potentially violating Rule 11.  - Option D: Filing a complaint without seeking any evidence to support the claims made could also be considered a violation of Rule 11, as it may not be based on a reasonable inquiry or warranted by existing law.  Therefore, the correct option that might subject a litigant to sanctions under Rule 11 is:  [Option C: A lawyer sends a letter to opposing counsel demanding damages for medical expenses which his client alleges she incurred, but actually did not.] |
| **GPT-4-turbo analysis:**  1. \*\*Understanding Rule 11\*\*: Rule 11 requires that when attorneys or parties submit pleadings, motions, or other papers to the court, they must ensure that these documents are not being presented for any improper purpose, are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, and that factual contentions have evidentiary support or will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.  2. \*\*Analyzing Option A\*\*: This option involves a lawyer making a legal argument during a telephone conversation with no supporting legal authority. Rule 11 primarily applies to written submissions to the court, not informal conversations between counsel. Therefore, this scenario would not typically trigger Rule 11 sanctions.  3. \*\*Analyzing Option B\*\*: This option involves a lawyer failing to answer interrogatories. While this may breach other procedural rules or court orders, Rule 11 itself does not directly address failures to respond to discovery requests. Sanctions for such an act would more likely arise under other rules concerning discovery compliance.  4. \*\*Analyzing Option C\*\*: This option involves a lawyer sending a letter demanding damages based on false claims of medical expenses. Although this involves deceit, the act described is a communication between counsel rather than a formal submission to the court, and thus does not fall under Rule 11. However, it could be subject to other ethical violations.  5. \*\*Analyzing Option D\*\*: This option describes a lawyer filing a complaint without verifying whether there is evidence to support the client's claims of incurred medical expenses. This act involves submitting a pleading to the court based on claims that lack evidentiary support, which directly contravenes the requirements of Rule 11.  \*\*Final Answer: D.\*\* A lawyer files a complaint seeking damages for medical expenses her client claims to have suffered, without seeking any evidence from the client that she incurred those expenses. This act triggers the certifications under Rule 11, as it involves submitting a pleading to the court that may lack factual contentions with evidentiary support, potentially making it subject to sanctions under Rule 11. |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. Rule 11 requires that a party certifies that their pleadings, motions, or other papers are not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation. Option A does not necessarily imply an improper purpose, as the lawyer may be exploring the argument with opposing counsel.  2. Rule 11 also requires that the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law. Option A does not necessarily violate this requirement, as the lawyer may be exploring the argument with opposing counsel.  3. Rule 11 requires that the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery. Option C violates this requirement, as the lawyer is demanding damages for medical expenses that her client allegedly incurred but actually did not.  4. Rule 11 requires that the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information. Option D violates this requirement, as the lawyer is filing a complaint seeking damages for medical expenses her client claims to have suffered, without seeking any evidence from the client that she incurred those expenses.  Final Answer: Options C and D might subject a litigant to sanctions under Rule 11. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step legal reasoning to determine which act might subject a litigant to sanctions under Rule 11:  Understanding the scope of Rule 11: Rule 11 applies to pleadings, written motions, and other papers presented to the court. It requires attorneys or unrepresented parties to certify that they have made a reasonable inquiry into the facts and law before presenting their claims or defenses.  Analyzing Option A: A lawyer making a legal argument in a telephone conversation with opposing counsel does not fall within the scope of Rule 11, as it only applies to written submissions to the court. Oral arguments or conversations with opposing counsel are not subject to Rule 11 sanctions.  Analyzing Option B: Failing to answer interrogatories is a discovery issue, not directly related to the certifications required by Rule 11. While there may be consequences for failing to respond to discovery requests, it is not a Rule 11 violation.  Analyzing Option C: Sending a letter to opposing counsel demanding damages is not a submission to the court and therefore does not trigger Rule 11 certifications. This action, although potentially misleading or unethical, does not directly fall under the sanctions provided by Rule 11.  Analyzing Option D: Filing a complaint seeking damages without any evidence from the client that they incurred those expenses directly implicates Rule 11(b)(3), which requires that factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery. By filing such a complaint, the lawyer is certifying to the court that the claims are supported by evidence or will be after reasonable investigation, which is not the case here.  Final Answer: D. |
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| **Human Annotator Analysis of Mistral-7B**  1. Rule 11(a) and (b) outline the acts that trigger the certifications required under Rule 11. (Correct)  2. Rule 11(a) applies to any pleading, motion, or other paper presented to the court, while Rule 11(b) applies to statements made during depositions, hearings, or at trial.  (Misinterpretation) - both rule 11(a) and (b) apply to any “pleading, written motion, and other paper” and outline several requirements for their use in court.  3. The question asks about acts that might subject a litigant to sanctions under Rule 11. (Correct)  4. Sanctions can be imposed for making false statements of material fact or law, or for engaging in conduct that is considered vexatious, unreasonable, or without foundation.  (Misinterpretation) - Sanctions can be imposed for any violation of rule 11(b).  5. Let's examine each option:  A. A lawyer making a legal argument without supporting legal authority does not directly involve a false statement or conduct that is considered vexatious, unreasonable, or without foundation. However, if the argument is made in bad faith or with reckless disregard for the truth, it could potentially lead to sanctions under Rule 11(b)(3) for making a false representation of fact or law.  This argument could not lead to sanctions under Rule 11(b)(3) as it does not happen in a court and is not a document being submitted to the court.  (Misinterpretation) - Here, the orange highlighted part is a clear case of ‘Obfuscation’/Red Herring. Rule 11(b) is not being satisfied in this case as it has not been filed in the court whether in written form or advocated form.  B. Failing to answer interrogatories can result in sanctions under Rule 11(b)(2)(B) for failing to cooperate in discovery.  (Misinterpretation) - Rule 11 only applies to pleadings, written motions, or other papers being submitted to court. Failing to answer interrogatories is not an issue handled by Rule 11. Failure of understanding the legal context and following Rule 11 properly. It is trying to apply the sanction through Rule 11 to cases where Rule 11 does not apply.  C. Sending a letter demanding damages for medical expenses that the client did not incur is a false representation of fact, which could lead to sanctions under Rule 11(b)(2)(C) for making a false statement of material fact.  (Misinterpretation) - While this is a written communication that is disputed by facts, it was sent to the opposing counsel and not presented to court, thus making it outside the jurisdiction of Rule 11.  D. Filing a complaint seeking damages for medical expenses without seeking any evidence from the client that she incurred those expenses does not directly involve a false statement or conduct that is considered vexatious, unreasonable, or without foundation. However, if the complaint is filed in bad faith or with reckless disregard for the truth, it could potentially lead to sanctions under Rule 11(b)(3) for making a false representation of fact or law. (Misinterpretation) - The first sentence brings considerations of **“ false statement or conduct that is considered vexatious, unreasonable, or without foundation”** whereas in Rule 11(b)(3), there is no such consideration. Filing a complaint without evidence can indeed lead to sanctions under Rule 11(b)(3) if the factual contentions lack evidentiary support (which is the case here).  6. Based on the information provided, option B is the most likely answer. The failure to answer interrogatories can result in sanctions under Rule 11(b)(2)(B) for failing to cooperate in discovery.  (Wrong Conclusion from False premises) - Mistral somewhat understands Rule 11 but assumes it is always applicable, as shown by its reasoning in [5]. This leads it to attempt to apply Rule 11 in situations where it is not relevant, creating distracting results that prevent it from finding the correct answer. |
| **Human Annotator Analysis of Llama-3-8B**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. Rule 11(b) sets out the certifications that a party or attorney must make when presenting a pleading, written motion, or other paper to the court.(Correct)  2. The certifications are designed to ensure that the party or attorney is not engaging in improper conduct, such as harassment, unnecessary delay, or needlessly increasing the cost of litigation.(Correct)  3. The certifications also require the party or attorney to ensure that their claims, defenses, and factual contentions are warranted by existing law or have evidentiary support. (Correct)  4. The question asks which of the following acts might subject a litigant to sanctions under Rule 11.(Correct)  \*\*Analysis of options:\*\*  A. A lawyer makes a legal argument in a telephone conversation with opposing counsel for which she has no supporting legal authority.  \* This act does not necessarily trigger sanctions under Rule 11, as it is a verbal argument and not a written pleading or paper. (Correct)  B. A lawyer fails to answer a set of interrogatories propounded to her client by the opposing party.  \* This act may not trigger sanctions under Rule 11, as it is a failure to respond to discovery requests and not a pleading or paper. (Correct)  C. A lawyer sends a letter to opposing counsel demanding damages for medical expenses which his client alleges she incurred, but actually did not.  \* This act may trigger sanctions under Rule 11, as it is a written communication that makes a factual contention (the client incurred medical expenses) without evidentiary support. (Misinterpretation) - The written letter must be “presented” to the court, not the opposing counsel for the act to be subjected to sanctions)  D. A lawyer files a complaint seeking damages for medical expenses her client claims to have suffered, without seeking any evidence from the client that she incurred those expenses.  \* This act may trigger sanctions under Rule 11, as it is a pleading that makes factual contentions (the client incurred medical expenses) without evidentiary support. (Though this is a correct answer, the reason provided here is wrong/incomplete, the act here can come under sanctions because it is a “filling” made to the court without the backing of an evidentiary support) (Misinterpretation)  \*\*Final Answer:\*\*  The correct option is C. A lawyer sends a letter to opposing counsel demanding damages for medical expenses which his client alleges she incurred, but actually did not. (Wrong Conclusion from False Premise) - Because the actual conditions to come under a sanction were misinterpreted, the wrong conclusion was reached) |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. Rule 11 requires that when presenting pleadings, motions, briefs, or arguments to the federal court, a party must certify that to the best of their knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the contentions are warranted by existing law or a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law. (Correct)  2. Rule 11 also requires that the attorney's signature on the document certifies that the document is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation. (Correct)  3. Based on the options provided:  - Option A: Making a legal argument without supporting legal authority could be considered a violation of Rule 11 as it may not be warranted by existing law or a nonfrivolous argument.  (Incorrect) (Misinterpretation) - This argument could not lead to sanctions under Rule 11(b)(3) as it does not happen in a court and is not a document being submitted to the court. It is a verbal argument and not written pleading/paper.  - Option B: Failing to answer interrogatories may not necessarily trigger Rule 11 sanctions, as it does not directly relate to the certifications required by Rule 11. (Correct)  - Option C: Sending a letter demanding damages for expenses that were not actually incurred could be considered presenting a document for an improper purpose, potentially violating Rule 11. (Incorrect)  (Misinterpretation) - The written letter must be presented to the court, not the opposing counsel for the act to be subjected to the sanctions.  - Option D: Filing a complaint without seeking any evidence to support the claims made could also be considered a violation of Rule 11, as it may not be based on a reasonable inquiry or warranted by existing law. (Correct)  Therefore, the correct option that might subject a litigant to sanctions under Rule 11 is:  [Option C: A lawyer sends a letter to opposing counsel demanding damages for medical expenses which his client alleges she incurred, but actually did not. (Wrong Conclusion from False Premise) |
| **Human Annotator analysis of GPT-4-turbo:**  1. \*\*Understanding Rule 11\*\*: Rule 11 requires that when attorneys or parties submit pleadings, motions, or other papers to the court, they must ensure that these documents are not being presented for any improper purpose, are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, and that factual contentions have evidentiary support or will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.  2. \*\*Analyzing Option A\*\*: This option involves a lawyer making a legal argument during a telephone conversation with no supporting legal authority. Rule 11 primarily applies to written submissions to the court, not informal conversations between counsel. Therefore, this scenario would not typically trigger Rule 11 sanctions. (Correct)  3. \*\*Analyzing Option B\*\*: This option involves a lawyer failing to answer interrogatories. While this may breach other procedural rules or court orders, Rule 11 itself does not directly address failures to respond to discovery requests. Sanctions for such an act would more likely arise under other rules concerning discovery compliance. (Correct)  4. \*\*Analyzing Option C\*\*: This option involves a lawyer sending a letter demanding damages based on false claims of medical expenses. Although this involves deceit, the act described is a communication between counsel rather than a formal submission to the court, and thus does not fall under Rule 11. However, it could be subject to other ethical violations. (Correct)  5. \*\*Analyzing Option D\*\*: This option describes a lawyer filing a complaint without verifying whether there is evidence to support the client's claims of incurred medical expenses. This act involves submitting a pleading to the court based on claims that lack evidentiary support, which directly contravenes the requirements of Rule 11. (Correct)  \*\*Final Answer: D.\*\* A lawyer files a complaint seeking damages for medical expenses her client claims to have suffered, without seeking any evidence from the client that she incurred those expenses. This act triggers the certifications under Rule 11, as it involves submitting a pleading to the court that may lack factual contentions with evidentiary support, potentially making it subject to sanctions under Rule 11. (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. Rule 11 requires that a party certifies that their pleadings, motions, or other papers are not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation. Option A does not necessarily imply an improper purpose, as the lawyer may be exploring the argument with opposing counsel.  2. Rule 11 also requires that the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law. Option A does not necessarily violate this requirement, as the lawyer may be exploring the argument with opposing counsel.  3. Rule 11 requires that the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery. Option C violates this requirement, as the lawyer is demanding damages for medical expenses that her client allegedly incurred but actually did not.  4. Rule 11 requires that the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information. Option D violates this requirement, as the lawyer is filing a complaint seeking damages for medical expenses her client claims to have suffered, without seeking any evidence from the client that she incurred those expenses.  Final Answer: Options C and D might subject a litigant to sanctions under Rule 11. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step legal reasoning to determine which act might subject a litigant to sanctions under Rule 11:  Understanding the scope of Rule 11: Rule 11 applies to pleadings, written motions, and other papers presented to the court. It requires attorneys or unrepresented parties to certify that they have made a reasonable inquiry into the facts and law before presenting their claims or defenses.  Analyzing Option A: A lawyer making a legal argument in a telephone conversation with opposing counsel does not fall within the scope of Rule 11, as it only applies to written submissions to the court. Oral arguments or conversations with opposing counsel are not subject to Rule 11 sanctions.  Analyzing Option B: Failing to answer interrogatories is a discovery issue, not directly related to the certifications required by Rule 11. While there may be consequences for failing to respond to discovery requests, it is not a Rule 11 violation.  Analyzing Option C: Sending a letter to opposing counsel demanding damages is not a submission to the court and therefore does not trigger Rule 11 certifications. This action, although potentially misleading or unethical, does not directly fall under the sanctions provided by Rule 11.  Analyzing Option D: Filing a complaint seeking damages without any evidence from the client that they incurred those expenses directly implicates Rule 11(b)(3), which requires that factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery. By filing such a complaint, the lawyer is certifying to the court that the claims are supported by evidence or will be after reasonable investigation, which is not the case here.  Final Answer: D. |

### 16. Creasey sues Trinh…

| **16.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  When a plaintiff files a complaint in federal court, the defendant must file a response to it. Fed. R. Civ. P. 12(b) describes her options. The rule provides, in the first sentence, that the defendant should put every defense that she has to a claim in her answer to the complaint. However, if the defendant has certain objections to the case, she may raise them by a ‘‘pre-answer motion’’ before pleading, that is, before answering the complaint. If the defendant makes a pre-answer motion, it suspends the time for answering the complaint until the court addresses the objections raised in the motion. See Rule 12(a)(4)(A), (B). Rule 12(b) provides that the following objections may be made by a pre-answer motion: 1 . lack of subject matter jurisdiction; 2 . lack of personal jurisdiction over the defendant; 3 . improper venue; 4 . insufficient process (that is, a defect in the summons required to be served on the defendant along with the complaint); 5 . insufficient service of process (that is, the method used to deliver the summons and complaint to the defendant); 6 . failure to state a claim upon which relief can be granted; and 7 . failure to join a party under Rule 19 (that is, a person who must be made a party to the action to fairly adjudicate the case). One further pre-answer motion is squirreled away in Rule 12(e), the motion for a more definite statement. A Rule 12(e) motion asserts that the plaintiff’s claim is so incomprehensible that the responding party cannot meaningfully respond to it, and asks the court to require the plaintiff to file a clearer complaint. A crucial point about Rule 12 pre-answer motions is that the defendant never has to make one. Making a pre-answer motion to assert these defenses is allowed, but not required. If the defendant prefers, she may raise any of these seven objections—or all of them—in her answer instead. I always snare a reasonable percentage of students on this basic point. Here’s a question that illustrates the point.  Question:  Creasey sues Trinh in federal court in Florida for injuries suffered in an accident in Alabama. Trinh files an answer to the complaint, including in the answer to an allegation that the court lacks personal jurisdiction over her. The objection to personal jurisdiction  Options:  A. is proper, and will be considered and decided by the court.  B. is proper, as long as it was also asserted in a pre-answer motion under Fed. R. Civ. P. 12(b)(2).  C. should be stricken, because the objection must be raised by a motion, not in a responsive pleading.  D. should be stricken. Trinh waived it by failing to file a pre-answer motion under Fed. R. Civ. P. 12(b) (2) asserting the objection.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  This question shouldn’t detain us long. A is right. It is perfectly appropriate for the defendant to respond by answering the complaint, and to include in that answer any objections she has, including those listed in Rule 12(b). A responding party never has to make a pre-answer motion to raise these objections. B, which states that Trinh’s objection must be raised in a pre-answer motion, is wrong. So is D, because a defendant does not waive any Rule 12(b) objections by failing to make a pre-answer motion. She would waive certain Rule 12(b) objections by making a pre-answer motion and leaving them out; but you don’t forfeit any of these defenses by choosing to answer instead of moving to dismiss. C is also wrong, because it states that an objection to personal jurisdiction cannot be raised in the answer, that it must be asserted by motion. That’s not true; it’s fine to put personal jurisdiction objections, or other Rule 12(b) objections, in the answer to the complaint. |
| **Mistral-7B Analysis**  1. The defendant, Trinh, has the option to raise objections to the jurisdiction of the court or to the service of process in her answer to the complaint, as per Rule 12(b)(2).  2. However, the rule also allows her to make certain objections, including lack of personal jurisdiction, by a pre-answer motion under Rule 12(b)(2).  3. In this case, Trinh filed an answer to the complaint, including an objection to personal jurisdiction, but she did not mention making a pre-answer motion.  4. Based on the provided legal context, Trinh did not waive her right to object to personal jurisdiction by failing to file a pre-answer motion, but she did not follow the preferred method.  5. Therefore, the objection to personal jurisdiction in the answer is valid, but it would have been stronger if raised by a pre-answer motion.  [Final Answer: A. is proper, but it would have been stronger if raised by a pre-answer motion under Fed. R. Civ. P. 12(b)(2)] |
| **Llama-3-8b-instruct Analysis**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. Rule 12(b) provides that a defendant may raise certain objections to a complaint by a pre-answer motion, which suspends the time for answering the complaint until the court addresses the objections.  2. The objections that may be made by a pre-answer motion include lack of personal jurisdiction, among others.  3. In this case, Trinh files an answer to the complaint, including an objection to personal jurisdiction.  4. The question is whether this objection is proper.  5. Option C is incorrect because the objection to personal jurisdiction may be raised in a responsive pleading, such as an answer.  6. Option D is also incorrect because Trinh did not waive the objection by failing to file a pre-answer motion. The objection may be raised in a responsive pleading.  7. Option A is correct because the objection to personal jurisdiction is proper and will be considered and decided by the court.  \*\*Final Answer:\*\*  A. is proper, and will be considered and decided by the court.  Trinh's objection to personal jurisdiction is proper and may be raised in a responsive pleading, such as an answer. The court will consider and decide the objection. |
| **GPT-3.5-turbo Analysis:**  1. The legal context provided states that a defendant may raise objections to the case by a pre-answer motion before pleading, but it is not required.  2. The objection to personal jurisdiction is one of the objections that may be made by a pre-answer motion under Fed. R. Civ. P. 12(b)(2).  3. However, the legal context also specifies that the defendant is not required to make a pre-answer motion and may raise any objections in her answer instead.  Therefore, the correct option is:  A. is proper, and will be considered and decided by the court. |
| **GPT-4-turbo analysis:**  1. \*\*Understanding Rule 12(b) Options\*\*: According to Fed. R. Civ. P. 12(b), a defendant has the option to raise certain defenses and objections either through a pre-answer motion or within their answer to the complaint. These include objections such as lack of personal jurisdiction.  2. \*\*Option to Use Pre-Answer Motion or Answer\*\*: The rule explicitly states that making a pre-answer motion to assert these defenses is allowed but not required. Therefore, a defendant may choose to raise any of these objections directly in their answer to the complaint.  3. \*\*Specific Case Analysis\*\*: In the scenario provided, Trinh included an objection regarding the lack of personal jurisdiction in her answer to the complaint. This is one of the defenses listed under Rule 12(b) that can be raised either by a pre-answer motion or in the answer itself.  4. \*\*Conclusion on the Options\*\*: Given that Rule 12(b) allows for the objection to be raised in the answer, and there is no requirement that it must be raised by a pre-answer motion, the objection to personal jurisdiction included in Trinh's answer is procedurally correct.  [Final Answer: A. is proper, and will be considered and decided by the court.] |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. According to Fed. R. Civ. P. 12(b), the defendant has the option to raise certain objections by a pre-answer motion before pleading, or she may raise them in her answer to the complaint.  2. The objection to personal jurisdiction is one of the objections that can be raised by a pre-answer motion under Fed. R. Civ. P. 12(b)(2).  3. However, the rule does not require the defendant to make a pre-answer motion. It is allowed but not mandatory.  4. Trinh chose to raise the objection to personal jurisdiction in her answer to the complaint, which is a permissible action under Fed. R. Civ. P. 12(b).  [Final Answer with the correct option]  A. is proper, and will be considered and decided by the court. |
| **Llama-3.1-405b-instruct Analysis:**  Here is the explanation of my legal reasoning:  1. The question presents a scenario where Trinh, the defendant, files an answer to the complaint, including an allegation that the court lacks personal jurisdiction over her. This raises an issue about whether Trinh can assert this objection in her answer or if she was required to file a pre-answer motion.  2. Rule 12(b)(2) provides that a defendant may assert the defense of lack of personal jurisdiction by a pre-answer motion. However, the rule does not state that the defendant must assert this defense by a pre-answer motion.  3. In fact, the rule provides that the defendant may raise any of the seven objections listed in Rule 12(b), including lack of personal jurisdiction, in her answer instead of by a pre-answer motion.  4. The key point is that making a pre-answer motion to assert these defenses is allowed, but not required.  5. Therefore, Trinh's assertion of the objection to personal jurisdiction in her answer is proper and will be considered and decided by the court.  Final Answer: A |
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| **Human Annotator Analysis of Mistral-7B**  1. The defendant, Trinh, has the option to raise objections to the jurisdiction of the court or to the service of process in her answer to the complaint, as per Rule 12(b)(2).  (Hallucination) - ‘insufficient service of process’ is in Rule 12(b)(5), not 12(b)(2).  (Hallucination) - It is mentioned that “***If the defendant prefers, she may raise any of these seven objections—or all of them—in her answer instead***” but it is nowhere mentioned that it is under Rule 12(b)(2).  2. However, the rule also allows her to make certain objections, including lack of personal jurisdiction, by a pre-answer motion under Rule 12(b)(2).  (Irrelevant Premise) - the possibility that she can also make a pre-answer motion is not relevant as she did not make one and instead answered the complaint.  3. In this case, Trinh filed an answer to the complaint, including an objection to personal jurisdiction, but she did not mention making a pre-answer motion. (Correct)  4. Based on the provided legal context, Trinh did not waive her right to object to personal jurisdiction by failing to file a pre-answer motion, but she did not follow the preferred method.  (Hallucination) - It is never mentioned in the legal context that pre-answering is preferred over a response to the complaint.  5. Therefore, the objection to personal jurisdiction in the answer is valid, but it would have been stronger if raised by a pre-answer motion.  (Wrong Conclusion from False Premises and Hallucination) - Correct but faulty due to error in [4]. Nowhere in the legal context is it mentioned that one method is stronger or more preferred than the other.  [Final Answer: A. is proper, but it would have been stronger if raised by a pre-answer motion.  (Hallucination) - While the option chosen is correct. The content of the option does not match with the actual content of option A. |
| **Human Annotator Analysis of Llama-3-8B**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. Rule 12(b) provides that a defendant may raise certain objections to a complaint by a pre-answer motion, which suspends the time for answering the complaint until the court addresses the objections.(Correct)  2. The objections that may be made by a pre-answer motion include lack of personal jurisdiction, among others. (Correct)  3. In this case, Trinh files an answer to the complaint, including an objection to personal jurisdiction. (Correct)  4. The question is whether this objection is proper. (Correct)  5. Option C is incorrect because the objection to personal jurisdiction may be raised in a responsive pleading, such as an answer. (Correct)  6. Option D is also incorrect because Trinh did not waive the objection by failing to file a pre-answer motion. The objection may be raised in a responsive pleading. (Correct)  7. Option A is correct because the objection to personal jurisdiction is proper and will be considered and decided by the court. (Correct)  \*\*Final Answer:\*\*  A. is proper, and will be considered and decided by the court. (Correct)  Trinh's objection to personal jurisdiction is proper and may be raised in a responsive pleading, such as an answer. The court will consider and decide the objection. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The legal context provided states that a defendant may raise objections to the case by a pre-answer motion before pleading, but it is not required. (Correct)  2. The objection to personal jurisdiction is one of the objections that may be made by a pre-answer motion under Fed. R. Civ. P. 12(b)(2). (Correct)  3. However, the legal context also specifies that the defendant is not required to make a pre-answer motion and may raise any objections in her answer instead. (Correct)  Therefore, the correct option is:  A. is proper, and will be considered and decided by the court. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding Rule 12(b) Options\*\*: According to Fed. R. Civ. P. 12(b), a defendant has the option to raise certain defenses and objections either through a pre-answer motion or within their answer to the complaint. These include objections such as lack of personal jurisdiction. (Correct)  2. \*\*Option to Use Pre-Answer Motion or Answer\*\*: The rule explicitly states that making a pre-answer motion to assert these defenses is allowed but not required. Therefore, a defendant may choose to raise any of these objections directly in their answer to the complaint. (Correct)  3. \*\*Specific Case Analysis\*\*: In the scenario provided, Trinh included an objection regarding the lack of personal jurisdiction in her answer to the complaint. This is one of the defenses listed under Rule 12(b) that can be raised either by a pre-answer motion or in the answer itself. (Correct)  4. \*\*Conclusion on the Options\*\*: Given that Rule 12(b) allows for the objection to be raised in the answer, and there is no requirement that it must be raised by a pre-answer motion, the objection to personal jurisdiction included in Trinh's answer is procedurally correct. (Correct)  [Final Answer: A. is proper, and will be considered and decided by the court.] (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. According to Fed. R. Civ. P. 12(b), the defendant has the option to raise certain objections by a pre-answer motion before pleading, or she may raise them in her answer to the complaint.  2. The objection to personal jurisdiction is one of the objections that can be raised by a pre-answer motion under Fed. R. Civ. P. 12(b)(2).  3. However, the rule does not require the defendant to make a pre-answer motion. It is allowed but not mandatory.  4. Trinh chose to raise the objection to personal jurisdiction in her answer to the complaint, which is a permissible action under Fed. R. Civ. P. 12(b).  [Final Answer with the correct option]  A. is proper, and will be considered and decided by the court. |
| **Llama-3.1-405b-instruct Analysis:**  Here is the explanation of my legal reasoning:  1. The question presents a scenario where Trinh, the defendant, files an answer to the complaint, including an allegation that the court lacks personal jurisdiction over her. This raises an issue about whether Trinh can assert this objection in her answer or if she was required to file a pre-answer motion.  2. Rule 12(b)(2) provides that a defendant may assert the defense of lack of personal jurisdiction by a pre-answer motion. However, the rule does not state that the defendant must assert this defense by a pre-answer motion.  3. In fact, the rule provides that the defendant may raise any of the seven objections listed in Rule 12(b), including lack of personal jurisdiction, in her answer instead of by a pre-answer motion.  4. The key point is that making a pre-answer motion to assert these defenses is allowed, but not required.  5. Therefore, Trinh's assertion of the objection to personal jurisdiction in her answer is proper and will be considered and decided by the court.  Final Answer: A |

### 17. Karim sues Precision Machine Company…

| **17.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  A good place to start is with the basic question of the scope of discovery, that is, what issues the parties may inquire about through the discovery process. The answer is in Fed. R. Civ. P. 26(b)(1), which governs the scope of discovery through each of the discovery devices. Whether information is sought through a deposition, an interrogatory, or production of documents, the Rule 26(b)(1) standard applies. Scope in General. Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable. This provision sounds pretty broad, but actually used to be broader in several respects. Prior to an amendment in 2000, Rule 26(b)(1) allowed discovery of ‘‘any matter, not privileged, relevant to the subject matter involved in the pending action.’’ In an effort to rein in discovery, the ‘‘relevant to the claim or defense of any party’’ language was substituted. Thus, some information relevant to ‘‘the subject matter of the pending action,’’ but not relevant to any claim or defense asserted by a party in that action, was discoverable before 2000 and now is not. In addition, an amendment in 2015 added the so-called ‘‘proportionality factors’’ in the second sentence to the definition of the scope of discovery in Rule 26(b)(1). Most of these factors had previously been included in Rule 26(b)(2)(C)(iii), which authorized district court judges to consider them in deciding whether to limit discovery. In light of that, moving the (mostly) identical factors into the definition of the scope of discovery might not seem like much of a change. However, the change will presumably encourage judges to consider these factors in limiting discovery that otherwise meets the ‘‘relevant to a claim or defense in the action’’ standard. The amendment was opposed by plaintiff’s lawyers on the ground that, by emphasizing the discovery limits, it would likely provide ammunition for defendants’ arguments to resist discovery. Rule 26(b)(1) expressly provides that information is discoverable even though it isn’t admissible as evidence at a trial. ‘‘Relevant information need not be admissible in evidence to be discoverable.’’ For example, statements that are ‘‘hearsay,’’ that is, statements made by one person concerning statements by another, are not generally admissible at trial. If Smith says he heard Jones say that Chen ran the red light, that statement is hearsay. Unless a hearsay exception applies, Smith cannot testify to that at trial, at least if Chen can be brought into court to testify himself. But the information would be subject to discovery, if it is relevant to a claim or defense in the action. Here’s a first question on the scope of discovery under Rule 26(b)(1).  Question:  Karim sues Precision Machine Company after she suffers a serious injury to her hand using a stamping machine manufactured by Precision. Her suit is brought after the statute of limitations (A statute of limitations, known in civil law systems as a prescriptive period, is a law passed by a legislative body to set the maximum time after an event within which legal proceedings may be initiated.) on a strict products liability claim has expired, so her complaint alleges negligence by Precision in the design of the machine. Karim’s counsel sends an interrogatory to Precision asking whether, at any time between the accident and the present, it has added a safety guard to the machine that injured Karim (which it has). Under the relevant rules of evidence, evidence of such ‘‘subsequent remedial measures’’ is not admissible in an action to establish that the defendant was negligent in failing to take a similar precaution before the plaintiff’s injury. The purpose of this rule of evidence is to encourage defendants to eliminate unsafe conditions, without fear that such safety measures will be introduced at trial to establish liability for not taking those measures before. The information sought in the interrogatory  Options:  A. is not within the scope of discovery, because evidence of subsequent remedial repairs is inadmissible at trial under the relevant rules of evidence.  B. is not within the scope of discovery, because it concerns events taking place after Karim’s injury, and is thus irrelevant to her claim in the action.  C. would be within the scope of discovery under the earlier standard in Fed. R. Civ. P. 26(b)(1), but is not subject to discovery under the 2000 amendment to that rule.  D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1).  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  A is pretty much a throwaway. Rule 26(b)(1) explicitly provides that information is discoverable, even if it could not be admitted into evidence at trial, if it meets the broad relevance standard in the rule. The idea is that information might assist a party in developing her case, even though it could not be presented at trial. This is manifestly true in many cases. For example, the hearsay statement ‘‘I heard Smith say that a Federal Express delivery man drove away after the accident’’ might be inadmissible hearsay. But this information could clearly assist the plaintiff in finding an important witness. Similarly, in an assault case, evidence that a witness had heard of instances of violence by the defendant would likely be inadmissible hearsay, yet could lead to the discovery of evidence of violent conduct that could be used to impeach the defendant’s testimony about who started a fight. B rests on the assumption that events taking place after a claim arises are irrelevant to the issues in a law suit. However, such evidence frequently leads to admissible evidence relevant to the plaintiff’s claim. For example, in the assault case, evidence of later assaults by a defendant would be relevant to impeach him if he testifies that the plaintiff started the quarrel. Similarly, evidence that a company consistently promoted men over women—before and after the plaintiff was passed over—would assist a sex discrimination plaintiff to show a pattern of discriminatory conduct. Here, evidence that the company made its stamping machine safer after the accident is certainly relevant to the case. It suggests that the machine can be made safer, which may mean that they were aware of that before Karim’s accident but decided, for whatever reason, not to improve it. If Karim’s counsel discovers that they have added a guard, she can take depositions of Precision’s engineers, to determine when they developed the design for the guard, and why it was not added before. This could lead to evidence suggesting that Precision was negligent, because it was aware of the need for the guard but delayed introducing it. Surely, this information is not only ‘‘relevant to the subject matter in the action’’ (the Rule 26(b)(1) standard before the 2000 amendment), but also ‘‘relevant to the claim’’ of a party (the current standard in Rule 26(b)(1)). It is relevant to Karim’s claim that Precision negligently failed to act with reasonable care in designing the stamping machine. Thus, C fails; D is the best answer. |
| **Mistral-7B Analysis**  [1] The question involves the scope of discovery under Rule 26(b)(1) of the Federal Rules of Civil Procedure. The issue is whether Precision Machine Company's response to an interrogatory regarding subsequent remedial measures taken on the stamping machine that injured Karim is discoverable.  [2] The first step is to understand the relevance of the information to Karim's claim or defense. The information about subsequent remedial measures is relevant because it could potentially show that Precision recognized the hazard and took steps to address it after the injury to Karim. This information could be used to argue that Precision had a duty to take similar measures before the injury, and that its failure to do so constituted negligence.  [3] The next step is to consider whether the information is admissible as evidence at trial. The relevant rules of evidence state that evidence of subsequent remedial measures is generally not admissible to establish that the defendant was negligent in failing to take similar precautions before the plaintiff's injury. However, this rule does not apply to the discovery process.  [4] The final step is to determine whether the information is discoverable under the current standard in Rule 26(b)(1). The scope of discovery is defined as any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case. The information about subsequent remedial measures is relevant to Karim's claim of negligence and is proportional to the needs of the case, as it could potentially provide important evidence regarding Precision's knowledge of the hazard and its response to it.  [5] Based on the above analysis, the correct answer is:  [D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1).] |
| **Llama-3-8b-instruct Analysis**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. The question asks whether the information sought in the interrogatory is within the scope of discovery under Rule 26(b)(1).  2. Rule 26(b)(1) provides that parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case.  3. The information sought in the interrogatory is whether Precision Machine Company added a safety guard to the machine that injured Karim after the accident.  4. The purpose of this rule of evidence is to encourage defendants to eliminate unsafe conditions, without fear that such safety measures will be introduced at trial to establish liability for not taking those measures before.  5. However, the information sought in the interrogatory is not admissible in evidence at trial under the relevant rules of evidence.  6. Nevertheless, the information is still within the scope of discovery under Rule 26(b)(1) because it is relevant to Karim's claim of negligence against Precision Machine Company.  7. The fact that the information is not admissible in evidence at trial does not mean it is not discoverable.  8. Therefore, the correct answer is that the information sought in the interrogatory is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1).  \*\*Final Answer:\*\*  D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1).  The information sought in the interrogatory is within the scope of discovery under Rule 26(b)(1) because it is relevant to Karim's claim of negligence against Precision Machine Company, even though it is not admissible in evidence at trial under the relevant rules of evidence. |
| **GPT-3.5-turbo Analysis:**  1. The relevant rule of evidence states that evidence of subsequent remedial measures is not admissible at trial to establish negligence.  2. The scope of discovery under Fed. R. Civ. P. 26(b)(1) allows for obtaining nonprivileged information that is relevant to any party's claim or defense.  3. The information sought in the interrogatory, regarding whether Precision added a safety guard to the machine after Karim's injury, is relevant to Karim's claim of negligence in the design of the machine.  4. Even though evidence of subsequent remedial measures may not be admissible at trial, it is still within the scope of discovery as it is relevant to Karim's claim.  5. Therefore, the correct option is: D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1). |
| **GPT-4-turbo analysis:**  1. \*\*Understanding the Scope of Discovery\*\*: According to Fed. R. Civ. P. 26(b)(1), the scope of discovery allows parties to obtain information regarding any nonprivileged matter that is relevant to any party's claim or defense and is proportional to the needs of the case. This includes considering the importance of the issues, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and the balance between the burden or expense of the proposed discovery and its likely benefit.  2. \*\*Admissibility vs. Discoverability\*\*: The rule explicitly states that information need not be admissible in evidence to be discoverable. This is crucial in understanding that even if certain evidence (like subsequent remedial measures) is not admissible at trial to prove negligence, it can still be discoverable if it is relevant to any claim or defense.  3. \*\*Relevance of Subsequent Remedial Measures\*\*: In this case, the information about Precision adding a safety guard after the accident is relevant to Karim’s claim of negligence in the design of the machine. Although such evidence of subsequent remedial measures is not admissible at trial to prove negligence, it is relevant to explore other aspects such as the feasibility of adding safety features, which could be a defense argument.  4. \*\*Proportionality and Importance\*\*: The information sought through the interrogatory could play a significant role in the resolution of the case by providing insights into what safety measures were possible and when. This aligns with the proportionality factors mentioned in Rule 26(b)(1), as the discovery seems important to resolving key issues in the case without likely being overly burdensome or expensive for Precision to provide.  5. \*\*Conclusion on the Options\*\*: Given the above points, the correct understanding is that while the evidence of subsequent remedial measures is not admissible at trial to prove negligence, it is still within the scope of discovery as it is relevant to the defense and proportional to the needs of the case.  [Final Answer: D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1).] |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. The scope of discovery is governed by Fed. R. Civ. P. 26(b)(1), which allows parties to obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.  2. The information sought in the interrogatory is about whether Precision Machine Company added a safety guard to the machine after Karim's injury.  3. Although evidence of subsequent remedial measures is not admissible at trial under the relevant rules of evidence, Rule 26(b)(1) expressly provides that information is discoverable even though it isn’t admissible as evidence at a trial.  4. The information sought in the interrogatory is relevant to Karim's claim in the action, as it could potentially show that Precision Machine Company acknowledged a safety issue with the machine.  5. The information sought in the interrogatory is not excluded by the 2000 amendment to Rule 26(b)(1), which substituted the language "relevant to the claim or defense of any party" for "relevant to the subject matter involved in the pending action."  Final Answer: D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1). |
| **Llama-3.1-405b-instruct Analysis:**  Here is the explanation of my legal reasoning:  1. The question presents a scenario where Karim's counsel sends an interrogatory to Precision asking whether it has added a safety guard to the machine that injured Karim after the accident.  2. The relevant rules of evidence state that evidence of "subsequent remedial measures" is not admissible in an action to establish that the defendant was negligent in failing to take a similar precaution before the plaintiff's injury.  3. However, Rule 26(b)(1) provides that information is discoverable even though it isn't admissible as evidence at a trial. The rule states that "relevant information need not be admissible in evidence to be discoverable."  4. The information sought in the interrogatory is relevant to Karim's claim of negligence against Precision, as it may indicate that Precision recognized the need for a safety guard after the accident.  5. The fact that the information concerns events taking place after Karim's injury does not make it irrelevant to her claim. The information may still be relevant to Precision's defense or to the issue of damages.  6. The 2000 amendment to Rule 26(b)(1) limited the scope of discovery to information that is "relevant to any party's claim or defense," but this information still falls within that scope.  7. Therefore, the information sought in the interrogatory is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1).  Final Answer: D |
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| **Human Annotator Analysis of Mistral-7B:**  [1] The question involves the scope of discovery under Rule 26(b)(1) of the Federal Rules of Civil Procedure. The issue is whether Precision Machine Company's response to an interrogatory regarding subsequent remedial measures taken on the stamping machine that injured Karim is discoverable. (Correct)  [2] The first step is to understand the relevance of the information to Karim's claim or defense. The information about subsequent remedial measures is relevant because it could potentially show that Precision recognized the hazard and took steps to address it after the injury to Karim. This information could be used to argue that Precision had a duty to take similar measures before the injury, and that its failure to do so constituted negligence. (Correct)  [3] The next step is to consider whether the information is admissible as evidence at trial. The relevant rules of evidence state that evidence of subsequent remedial measures is generally not admissible to establish that the defendant was negligent in failing to take similar precautions before the plaintiff's injury. However, this rule does not apply to the discovery process. (Correct)  [4] The final step is to determine whether the information is discoverable under the current standard in Rule 26(b)(1). The scope of discovery is defined as any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case. The information about subsequent remedial measures is relevant to Karim's claim of negligence and is proportional to the needs of the case, as it could potentially provide important evidence regarding Precision's knowledge of the hazard and its response to it. (Correct)  [5] Based on the above analysis, the correct answer is:  [D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1).] (Correct) |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here's my answer:  \*\*Explanation of legal reasoning:\*\*  1. The question asks whether the information sought in the interrogatory is within the scope of discovery under Rule 26(b)(1). (Correct)  2. Rule 26(b)(1) provides that parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case. (Correct)  3. The information sought in the interrogatory is whether Precision Machine Company added a safety guard to the machine that injured Karim after the accident. (Correct)  4. The purpose of this rule of evidence is to encourage defendants to eliminate unsafe conditions, without fear that such safety measures will be introduced at trial to establish liability for not taking those measures before. (Misinterpretation/Irrelevant Premise) - This statement is supposed to refer to the rule that “**evidence of such ‘subsequent remedial measures’ is not admissible in an action to establish that the defendant was negligent**,” not Rule 26(b)(1). In addition, the purpose of the rule is irrelevant to the analysis of the discovery of the information. It is only important that the rule exists and that it applies to the information sought in the interrogatory.  5. However, the information sought in the interrogatory is not admissible in evidence at trial under the relevant rules of evidence. (Correct)  6. Nevertheless, the information is still within the scope of discovery under Rule 26(b)(1) because it is relevant to Karim's claim of negligence against Precision Machine Company. (Correct)  7. The fact that the information is not admissible in evidence at trial does not mean it is not discoverable. (Correct)  8. Therefore, the correct answer is that the information sought in the interrogatory is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1). (Correct)  \*\*Final Answer:\*\*  D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1). (Correct)  The information sought in the interrogatory is within the scope of discovery under Rule 26(b)(1) because it is relevant to Karim's claim of negligence against Precision Machine Company, even though it is not admissible in evidence at trial under the relevant rules of evidence. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The relevant rule of evidence states that evidence of subsequent remedial measures is not admissible at trial to establish negligence. (Correct)  2. The scope of discovery under Fed. R. Civ. P. 26(b)(1) allows for obtaining nonprivileged information that is relevant to any party's claim or defense. (Correct)  3. The information sought in the interrogatory, regarding whether Precision added a safety guard to the machine after Karim's injury, is relevant to Karim's claim of negligence in the design of the machine. (Correct)  4. Even though evidence of subsequent remedial measures may not be admissible at trial, it is still within the scope of discovery as it is relevant to Karim's claim. (Correct)  5. Therefore, the correct option is: D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1). |
| **Human Annotator analysis of GPT-4-turbo:**  1. \*\*Understanding the Scope of Discovery\*\*: According to Fed. R. Civ. P. 26(b)(1), the scope of discovery allows parties to obtain information regarding any nonprivileged matter that is relevant to any party's claim or defense and is proportional to the needs of the case. This includes considering the importance of the issues, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and the balance between the burden or expense of the proposed discovery and its likely benefit. (Correct)  2. \*\*Admissibility vs. Discoverability\*\*: The rule explicitly states that information need not be admissible in evidence to be discoverable. This is crucial in understanding that even if certain evidence (like subsequent remedial measures) is not admissible at trial to prove negligence, it can still be discoverable if it is relevant to any claim or defense. (Correct)  3. \*\*Relevance of Subsequent Remedial Measures\*\*: In this case, the information about Precision adding a safety guard after the accident is relevant to Karim’s claim of negligence in the design of the machine. Although such evidence of subsequent remedial measures is not admissible at trial to prove negligence, it is relevant to explore other aspects such as the feasibility of adding safety features, which could be a defense argument. (Correct) - This discovery is important to Karim’s claim as her injury could have been prevented had Precision implemented the safeguard earlier. This could have prevented the act of negligence which has occurred on the part of Precision.  4. \*\*Proportionality and Importance\*\*: The information sought through the interrogatory could play a significant role in the resolution of the case by providing insights into what safety measures were possible and when. This aligns with the proportionality factors mentioned in Rule 26(b)(1), as the discovery seems important to resolving key issues in the case without likely being overly burdensome or expensive for Precision to provide. (Correct)  5. \*\*Conclusion on the Options\*\*: Given the above points, the correct understanding is that while the evidence of subsequent remedial measures is not admissible at trial to prove negligence, it is still within the scope of discovery as it is relevant to the defense and proportional to the needs of the case. (Correct)  [Final Answer: D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1).] (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The scope of discovery is governed by Fed. R. Civ. P. 26(b)(1), which allows parties to obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.  2. The information sought in the interrogatory is about whether Precision Machine Company added a safety guard to the machine after Karim's injury.  3. Although evidence of subsequent remedial measures is not admissible at trial under the relevant rules of evidence, Rule 26(b)(1) expressly provides that information is discoverable even though it isn’t admissible as evidence at a trial.  4. The information sought in the interrogatory is relevant to Karim's claim in the action, as it could potentially show that Precision Machine Company acknowledged a safety issue with the machine.  5. The information sought in the interrogatory is not excluded by the 2000 amendment to Rule 26(b)(1), which substituted the language "relevant to the claim or defense of any party" for "relevant to the subject matter involved in the pending action."  Final Answer: D. is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1). |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here is the explanation of my legal reasoning:  1. The question presents a scenario where Karim's counsel sends an interrogatory to Precision asking whether it has added a safety guard to the machine that injured Karim after the accident.  2. The relevant rules of evidence state that evidence of "subsequent remedial measures" is not admissible in an action to establish that the defendant was negligent in failing to take a similar precaution before the plaintiff's injury.  3. However, Rule 26(b)(1) provides that information is discoverable even though it isn't admissible as evidence at a trial. The rule states that "relevant information need not be admissible in evidence to be discoverable."  4. The information sought in the interrogatory is relevant to Karim's claim of negligence against Precision, as it may indicate that Precision recognized the need for a safety guard after the accident.  5. The fact that the information concerns events taking place after Karim's injury does not make it irrelevant to her claim. The information may still be relevant to Precision's defense or to the issue of damages.  6. The 2000 amendment to Rule 26(b)(1) limited the scope of discovery to information that is "relevant to any party's claim or defense," but this information still falls within that scope.  7. Therefore, the information sought in the interrogatory is within the scope of discovery under the current standard in Fed. R. Civ. P. 26(b)(1).  Final Answer: D |

### **18.** Fremont Publishing Company sues…

| **18.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Most discovery is initiated by counsel for the litigants, who send interrogatories and requests for production of documents to opposing parties and schedule depositions of witnesses. However, Rule 26(a) also requires ‘‘automatic disclosure’’ of certain categories of information— that is, an exchange of this information among the parties without a request for it from another party. Rule 26(a) requires three categories of disclosures: initial disclosures (Rule 26(a)(1); disclosure of expert testimony (Rule 26(a)(2)), and pre-trial disclosures (Rule 26(a)(3)). We will focus on initial disclosure under Rule 26(a)(1), which takes place at the outset of the case. Under Rule 26(a)(1), parties in most federal cases are required to exchange four categories of information at the outset of the case, without a request from the other side. They must disclose • the identity of individuals ‘‘likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses’’ • copies or descriptions of documents (including electronically stored information) and things in the possession, custody, or control of the disclosing party that the party may use to support its claims or defenses • a computation of damages claimed, making available for inspection and copying the documents and other materials on which the computation is based • any insurance agreement under which an insurer may be liable to satisfy all or part of a judgment in the action The parties are also required to meet and confer about these disclosures and other discovery issues and to file a written report with the court outlining their plans for discovery. Fed. R. Civ. P. 26(f). Until this meeting takes place, the parties are barred from taking discovery by other means (such as interrogatories, requests for documents, or depositions). Fed. R. Civ. P. 26(d)(1). Note several points about the disclosure requirements. They do not require a party to reveal all witnesses she knows of, but only those likely to have information that the disclosing party may use to support its claims or defenses. If a party knows of a witness she will definitely not use, that witness need not be listed. Of course, if the party has any doubt as to whether she will use the witness’s testimony, she would likely disclose the witness. If she does not, Rule 37(c)(1) will likely bar the party who failed to make the disclosure from using that witness’s testimony at trial. The same principle applies to automatic disclosure of documents and things. The rule requires production of documents the party ‘‘may use to support its claims or defenses.’’ Here again, the Rule requires a party to reveal supporting evidence, but not adverse evidence. This avoids placing counsel in the position of having to review all known evidence, locate all documents that might support the other party’s case, and hand them over without a request.  Question:  Fremont Publishing Company sues New Era Press for publishing a story about a shipwreck that it claims duplicated a copyrighted story from one of its books. New Era denies that Fremont held the copyright to the story. Shortly after the parties make their disclosures under Rule 26(a)(1), New Era’s lawyers learn that Fremont had received a letter a year earlier from an individual claiming that he held the copyright on the shipwreck story and demanding compensation from Fremont for using it. Fremont had not disclosed the existence of this letter in its Rule 26(a) disclosures.  Options:  A. should move for sanctions under Rule 37(c)(1) for Fremont’s failure to disclose the letter in its Rule 26(a) disclosures.  B. should move to require supplemental disclosure of the letter, under Rules 26(a)(1) and 26(e)(1).  C. should send Fremont a Rule 34 Request for Production of documents to obtain the letter. D. cannot obtain the letter, because it is not subject to disclosure under Rule 26(a).  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  In this example, Fremont evidently had the document but failed to include it in its initial disclosure. New Era learns that it exists and was left out. What should it do? B seems like a sensible course, to move for further disclosure, since the letter was not produced. This isn’t likely to be granted, however, because the letter probably does not have to be disclosed. Rule 26(a)(1) (A)(ii) requires disclosure of documents the disclosing party ‘‘may use to support its claims or defenses.’’ It hardly seems that Fremont will use this letter, challenging the validity of its copyright, to support its claim against New Era for infringing that copyright. If the letter was not subject to disclosure under Rule 26(a)(1)(A)(ii), the court is not going to order it disclosed in response to New Era’s motion. For the same reason, the motion for sanctions suggested in A isn’t going to be granted: Fremont would not be sanctioned for failure to disclose the letter if it was not required to disclose it. D suggests that New Era cannot obtain the letter, since it is not within the scope of disclosure under Rule 26(a). While the letter very probably is not subject to disclosure under Rule 26(a), that does not mean that New Era cannot obtain it through discovery. It only means that Fremont does not have to disclose it automatically at the outset of the case. It is still discoverable under Rule 26(b)(1), which allows parties to obtain discovery of information ‘‘relevant to the claim or defense of any party’’ in the action. Surely, the letter is relevant to New Era’s defense that Fremont did not have a copyright on the story. Consequently, it is subject to discovery under the broad standard of relevance in Rule 26(b)(1). So C is the best answer: New Era is entitled to obtain this letter through the traditional discovery devices and may send Fremont a request for production of the letter under Rule 34. This illustrates that a party cannot rely on disclosure as a substitute for discovery. Disclosure will only reveal information favorable to the other party (that it may ‘‘use to support its claims or defenses’’). To obtain information that is unfavorable to Fremont, New Era must ask for it using the traditional discovery devices. |
| **Mistral-7B Analysis**  1. The legal context provided outlines the requirements of Rule 26(a)(1) for initial disclosures in a federal case, which includes the disclosure of certain categories of information without a request from the other side.  2. The categories of information that must be disclosed include the identity of individuals likely to have discoverable information, copies or descriptions of documents, a computation of damages claimed, and any insurance agreements.  3. The disclosure requirements do not necessitate revealing all witnesses or documents, but only those that the disclosing party may use to support its claims or defenses.  4. In the given scenario, Fremont Publishing Company failed to disclose a letter it had received from an individual claiming to hold the copyright on the shipwreck story and demanding compensation from Fremont.  5. This letter is a document that could potentially impact Fremont's claims or defenses in the case, as it raises questions about the copyright ownership of the story.  6. Since Fremont failed to disclose this document in its initial Rule 26(a) disclosures, it has potentially violated the disclosure requirements.  7. The most appropriate option for New Era's lawyers would be to move for sanctions under Rule 37(c)(1) for Fremont’s failure to disclose the letter in its Rule 26(a) disclosures. This rule allows the court to impose sanctions on a party for failing to make disclosures that should have been made.  [Final Answer: A] |
| **Llama-3-8b-instruct Analysis**  Here's my answer:  \*\*Explanation of Legal Reasoning:\*\*  1. Rule 26(a)(1) requires parties to disclose "the identity of individuals likely to have discoverable information that the disclosing party may use to support its claims or defenses."  2. The disclosure requirement does not require a party to reveal all witnesses they know of, but only those likely to have information that the disclosing party may use to support its claims or defenses.  3. Fremont's failure to disclose the existence of the letter from the individual claiming to hold the copyright on the shipwreck story is a breach of its disclosure obligation under Rule 26(a)(1).  4. The letter is likely to have discoverable information that Fremont may use to support its claims or defenses in the lawsuit.  5. Since Fremont failed to disclose the letter, New Era is entitled to obtain the letter through a request for production under Rule 34 or to move for sanctions under Rule 37(c)(1) for Fremont's failure to disclose the letter.  \*\*Final Answer:\*\*  The correct option is: \*\*A. should move for sanctions under Rule 37(c)(1) for Fremont's failure to disclose the letter in its Rule 26(a) disclosures.\*\* |
| **GPT-3.5-turbo Analysis:**  1. The legal context provided states that parties are required to disclose information that they may use to support their claims or defenses under Rule 26(a)(1).  2. The letter from the individual claiming copyright on the shipwreck story is relevant information that Fremont may have used to support its defense against New Era's claim of copyright infringement.  3. Since Fremont did not disclose the existence of this letter in its Rule 26(a) disclosures, it may be subject to sanctions under Rule 37(c)(1) for failing to make the required disclosure.  4. Therefore, the correct option is: A. should move for sanctions under Rule 37(c)(1) for Fremont’s failure to disclose the letter in its Rule 26(a) disclosures. |
| **GPT-4-turbo analysis:**  1. \*\*Understanding Rule 26(a)(1) Requirements\*\*: Rule 26(a)(1) mandates the disclosure of information that a party may use to support its claims or defenses. This includes documents and other evidentiary material that are relevant to the case.  2. \*\*Relevance of the Letter\*\*: The letter from an individual claiming copyright over the story is directly relevant to Fremont Publishing Company's claim of copyright in the lawsuit against New Era Press. The letter challenges Fremont's assertion of copyright ownership, which is central to the case.  3. \*\*Obligation to Disclose\*\*: Under Rule 26(a)(1), Fremont should have disclosed the letter as it pertains to the computation of damages and the establishment of a claim (copyright ownership in this case). The letter is a piece of evidence that Fremont might use to defend against the claim of copyright if it impacts the validity of their ownership claim.  4. \*\*Rule 26(e)(1) - Duty to Supplement\*\*: This rule requires a party to supplement or correct its disclosure upon learning that the initial disclosure was either incomplete or incorrect. Fremont's failure to initially disclose the letter necessitates a need for supplemental disclosure.  5. \*\*Analysis of Options\*\*:  - \*\*Option A (Sanctions under Rule 37(c)(1))\*\*: This option is typically considered when a party fails to disclose information that should have been disclosed under Rule 26(a). However, sanctions are generally applied for more egregious or harmful nondisclosures.  - \*\*Option B (Supplemental Disclosure)\*\*: This is the most fitting response as it directly addresses the need for Fremont to correct its oversight or intentional nondisclosure by providing the letter.  - \*\*Option C (Rule 34 Request for Production)\*\*: While this could theoretically obtain the letter, it is not the most direct or appropriate method given that the issue here is Fremont's failure to comply with mandatory disclosure rules.  - \*\*Option D (Cannot obtain the letter)\*\*: This is incorrect because the letter is clearly relevant and should have been disclosed under Rule 26(a).  [Final Answer: Option B should move to require supplemental disclosure of the letter, under Rules 26(a)(1) and 26(e)(1). This option directly addresses the failure to disclose relevant information and seeks to rectify this by enforcing the rules designed to ensure fairness and transparency in the discovery process.] |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. Rule 26(a)(1) requires parties to disclose the identity of individuals likely to have discoverable information that the disclosing party may use to support its claims or defenses.  2. The letter from the individual claiming to hold the copyright on the shipwreck story could potentially be relevant to Fremont's claim of copyright ownership.  3. Fremont did not disclose the existence of this letter in its Rule 26(a) disclosures, which is a requirement under Rule 26(a)(1).  4. Rule 37(c)(1) states that a party who fails to disclose information as required by Rule 26(a) may not use that information at trial, unless the failure was substantially justified or is harmless.  5. New Era's lawyers have learned about the letter after the Rule 26(a) disclosures were made, which means they were not aware of it at the time of disclosure.  Final Answer: A. should move for sanctions under Rule 37(c)(1) for Fremont’s failure to disclose the letter in its Rule 26(a) disclosures. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The key issue here is whether Fremont was required to disclose the letter under Rule 26(a)(1). This rule requires parties to disclose documents that they may use to support their claims or defenses.  2. The letter in question appears to be adverse evidence for Fremont, as it suggests that someone else may hold the copyright to the story. Since Rule 26(a)(1) only requires the disclosure of documents that a party may use to support its claims or defenses, Fremont is not required to disclose the letter.  3. However, New Era may still be able to obtain the letter through other means. Rule 34 allows a party to request the production of documents from the opposing party.  4. Given that Fremont was not required to disclose the letter under Rule 26(a)(1), options A and B are not correct. Option A is incorrect because Fremont did not fail to disclose a document that it was required to disclose. Option B is incorrect because Fremont is not required to supplement its disclosure with a document that it is not required to disclose in the first place.  5. Option D is also incorrect because the letter is subject to disclosure under Rule 34, even if it is not subject to disclosure under Rule 26(a)(1).  6. Therefore, the correct course of action for New Era is to send Fremont a Rule 34 Request for Production of documents to obtain the letter.  Final Answer: C. |
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| **Human Annotator Analysis of Mistral-7B**  1. The legal context provided outlines the requirements of Rule 26(a)(1) for initial disclosures in a federal case, which includes the disclosure of certain categories of information without a request from the other side. (Correct)  2. The categories of information that must be disclosed include the identity of individuals likely to have discoverable information, copies or descriptions of documents, a computation of damages claimed, and any insurance agreements. (Correct)  3. The disclosure requirements do not necessitate revealing all witnesses or documents, but only those that the disclosing party may use to support its claims or defenses. (Correct)  4. In the given scenario, Fremont Publishing Company failed to disclose a letter it had received from an individual claiming to hold the copyright on the shipwreck story and demanding compensation from Fremont. (Correct)  5. This letter is a document that could potentially impact Fremont's claims or defenses in the case, as it raises questions about the copyright ownership of the story. (Correct)  6. Since Fremont failed to disclose this document in its initial Rule 26(a) disclosures, it has potentially violated the disclosure requirements.  Because this letter does not support Fremont’s claim, they are not required to disclose it, as the disclosure requirements only require revealing witnesses or documents that the disclosing party may use to support its claims or defenses, as stated in [3]. (Misinterpretation - Cherry Picking)  7. The most appropriate option for New Era's lawyers would be to move for sanctions under Rule 37(c)(1) for Fremont’s failure to disclose the letter in its Rule 26(a) disclosures. This rule allows the court to impose sanctions on a party for failing to make disclosures that should have been made.  (Wrong Conclusion from False Premises) - Due to faulty reasoning in [6], Mistral thinks that the letter falls under the Rule 26(a) disclosure requirements, thus enabling a move for sanctions under Rule 37(c)(1).  [Final Answer: A] |
| **Human Annotator Analysis of Llama-3-8B**  Here's my answer:  \*\*Explanation of Legal Reasoning:\*\*  1. Rule 26(a)(1) requires parties to disclose "the identity of individuals likely to have discoverable information that the disclosing party may use to support its claims or defenses." (Correct)  2. The disclosure requirement does not require a party to reveal all witnesses they know of, but only those likely to have information that the disclosing party may use to support its claims or defenses. (Correct)  3. Fremont's failure to disclose the existence of the letter from the individual claiming to hold the copyright on the shipwreck story is a breach of its disclosure obligation under Rule 26(a)(1). (Misinterpretation) - It is only a breach if Fremont intends to use the letter in the case proceedings and that would not happen because Fremont doesn’t stand to benefit from disclosing this information (this letter is rather detrimental to the case it has made))  4. The letter is likely to have discoverable information that Fremont may use to support its claims or defenses in the lawsuit. (Misinterpretation) - disclosing this information is not going to favor Fremont’s cause in any way. Hence, there are no grounds for Fremont to disclose it.)  5. Since Fremont failed to disclose the letter, New Era is entitled to obtain the letter through a request for production under Rule 34 or to move for sanctions under Rule 37(c)(1) for Fremont's failure to disclose the letter. (Misinterpretation) - while the request for production under Rule 34 is correct, move for sanctions under Rule 37(c)(1) is actually incorrect!)  \*\*Final Answer:\*\*  The correct option is: \*\*A. should move for sanctions under Rule 37(c)(1) for Fremont's failure to disclose the letter in its Rule 26(a) disclosures.\*\* (Wrong conclusion from False Premises) in point 3, 4 and wrong intermediate conclusion in point 5) |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The legal context provided states that parties are required to disclose information that they may use to support their claims or defenses under Rule 26(a)(1). (Correct)  2. The letter from the individual claiming copyright on the shipwreck story is relevant information that Fremont may have used to support its defense against New Era's claim of copyright infringement. (Correct)  3. Since Fremont did not disclose the existence of this letter in its Rule 26(a) disclosures, it may be subject to sanctions under Rule 37(c)(1) for failing to make the required disclosure. (Incorrect) (Misinterpretation) - They are not required to disclose this letter as it does not support Fremont’s claim. The disclosure requirements only require revealing witnesses/documents that the disclosing party may use to support its claims/defenses. This letter does not fall under the Rule 26(a) disclosure requirements.  4. Therefore, the correct option is: A. should move for sanctions under Rule 37(c)(1) for Fremont’s failure to disclose the letter in its Rule 26(a) disclosures. (Wrong Conclusion from False Premises) |
| **Human Annotator analysis of GPT-4-turbo:**  1. \*\*Understanding Rule 26(a)(1) Requirements\*\*: Rule 26(a)(1) mandates the disclosure of information that a party may use to support its claims or defenses. This includes documents and other evidentiary material that are relevant to the case. (Correct)  2. \*\*Relevance of the Letter\*\*: The letter from an individual claiming copyright over the story is directly relevant to Fremont Publishing Company's claim of copyright in the lawsuit against New Era Press. The letter challenges Fremont's assertion of copyright ownership, which is central to the case. (Correct)  3. \*\*Obligation to Disclose\*\*: Under Rule 26(a)(1), Fremont should have disclosed the letter as it pertains to the computation of damages and the establishment of a claim (copyright ownership in this case). The letter is a piece of evidence that Fremont might use to defend against the claim of copyright if it impacts the validity of their ownership claim. (Misinterpretation) - Fremont would definitely not use this piece of evidence to defend its claim of copyright as this evidence is against/contradictory to its claim. There is no obligation to disclose something if it is not going to be used in the court.  4. \*\*Rule 26(e)(1) - Duty to Supplement\*\*: This rule requires a party to supplement or correct its disclosure upon learning that the initial disclosure was either incomplete or incorrect. Fremont's failure to initially disclose the letter necessitates a need for supplemental disclosure.  While this is mentioned in the options, this rule is not present in the legal context or the question. GPT-4-turbo has found this rule from its inherent knowledge.  5. \*\*Analysis of Options\*\*:  - \*\*Option A (Sanctions under Rule 37(c)(1))\*\*: This option is typically considered when a party fails to disclose information that should have been disclosed under Rule 26(a). However, sanctions are generally applied for more egregious or harmful non disclosures.  The orange highlighted part seems to be an exception which is not mentioned in the legal context. GPT-4 seems to have found it from its inherent knowledge.  - \*\*Option B (Supplemental Disclosure)\*\*: This is the most fitting response as it directly addresses the need for Fremont to correct its oversight or intentional nondisclosure by providing the letter. (Misinterpretation) - No, here the disclosing party (Fremont) is not going to use it to “ to support its claims or defenses.’’, hence it is not disclosable under Rule 26(a). Here the LLM forgot to take the stance of the Fremont into consideration while interpreting the rule.  - \*\*Option C (Rule 34 Request for Production)\*\*: While this could theoretically obtain the letter, it is not the most direct or appropriate method given that the issue here is Fremont's failure to comply with mandatory disclosure rules. (Misinterpretation) - The LLM has misinterpreted Rule 26 and is applying it here where in reality rule 26 is not applicable as Fremont would not use this piece of evidence in its own favor and hence has no obligation to disclose it.  - \*\*Option D (Cannot obtain the letter)\*\*: This is incorrect because the letter is clearly relevant and should have been disclosed under Rule 26(a).  (Misinterpretation) - No, here the disclosing party (Fremont) is not going to use it to “ to support its claims or defenses.’’, hence it is not disclosable under Rule 26(a). Here the LLM forgot to take the stance of the ‘disclosing’ party into consideration while interpreting the rule.  [Final Answer: Option B should move to require supplemental disclosure of the letter, under Rules 26(a)(1) and 26(e)(1). This option directly addresses the failure to disclose relevant information and seeks to rectify this by enforcing the rules designed to ensure fairness and transparency in the discovery process.] (Wrong Conclusion from False Premises and Wrong Elimination) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. Rule 26(a)(1) requires parties to disclose the identity of individuals likely to have discoverable information that the disclosing party may use to support its claims or defenses.  2. The letter from the individual claiming to hold the copyright on the shipwreck story could potentially be relevant to Fremont's claim of copyright ownership.  3. Fremont did not disclose the existence of this letter in its Rule 26(a) disclosures, which is a requirement under Rule 26(a)(1).  4. Rule 37(c)(1) states that a party who fails to disclose information as required by Rule 26(a) may not use that information at trial, unless the failure was substantially justified or is harmless.  5. New Era's lawyers have learned about the letter after the Rule 26(a) disclosures were made, which means they were not aware of it at the time of disclosure.  Final Answer: A. should move for sanctions under Rule 37(c)(1) for Fremont’s failure to disclose the letter in its Rule 26(a) disclosures. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The key issue here is whether Fremont was required to disclose the letter under Rule 26(a)(1). This rule requires parties to disclose documents that they may use to support their claims or defenses.  2. The letter in question appears to be adverse evidence for Fremont, as it suggests that someone else may hold the copyright to the story. Since Rule 26(a)(1) only requires the disclosure of documents that a party may use to support its claims or defenses, Fremont is not required to disclose the letter.  3. However, New Era may still be able to obtain the letter through other means. Rule 34 allows a party to request the production of documents from the opposing party.  4. Given that Fremont was not required to disclose the letter under Rule 26(a)(1), options A and B are not correct. Option A is incorrect because Fremont did not fail to disclose a document that it was required to disclose. Option B is incorrect because Fremont is not required to supplement its disclosure with a document that it is not required to disclose in the first place.  5. Option D is also incorrect because the letter is subject to disclosure under Rule 34, even if it is not subject to disclosure under Rule 26(a)(1).  6. Therefore, the correct course of action for New Era is to send Fremont a Rule 34 Request for Production of documents to obtain the letter.  Final Answer: C. |

### **19.** Rossi grew up in Erie…

| **19.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Cases analyzing domicile for purposes of diversity frequently cite evidence about the person’s practical affairs, in order to establish a party’s intent. The court may rely on facts such as where the party votes, has health insurance, has a driver’s license, rents an apartment, has a bank account, registers her car, and so forth. Certainly, such facts are relevant evidence of a person’s intent to remain in a state, or not to. But keep in mind that the test itself is the person’s intent. Evidence about her practical affairs may help to demonstrate her subjective intent, but a person is not automatically domiciled where she has an apartment, or votes, or maintains her health insurance. If she were, that would be the test, rather than her subjective intent. Parties introduce such practical evidence about a person’s conduct to prove the ultimately relevant fact: her intent. But a person could be domiciled in Wisconsin, even though most of these practical factors point to Illinois. It’s all a matter of trying to ascertain a subjective fact based on all the evidence. A court will certainly look at the party’s testimony in assessing intent, but will also consider whether her practical conduct corroborates or refutes that testimony.  Question:  Rossi grew up in Erie, Pennsylvania. In August 2017, she departed for college in Idaho. After starting school in Idaho, she registered her car there and established a bank account there. She gets health coverage through college. She has an apartment there, which she has taken on a one-year lease. She has a part-time job in Idaho, and has Idaho state taxes taken out of her check. On her application for the job she listed her Idaho address and telephone number. Her plan is to complete a two-year computer technician degree, and then return to Pennsylvania, where her fiancee has just taken over his family’s construction business in Erie. (They have reserved a hall for their wedding in June 2019.) However, she may need a bit more than two years to finish the degree, if tuition goes up too much. Three months after arriving in Idaho, Rossi brings suit against a Pennsylvania surgeon, for an injury suffered in an operation performed in Pennsylvania a year before. She sues in federal court on the basis of diversity. The court will probably conclude that Rossi is domiciled in  Options:  A. Pennsylvania, since she is only in Idaho as a student.  B. Pennsylvania, since she intends to return to Pennsylvania when she finishes her degree.  C. Idaho, since she has an apartment there, goes to school there, has a job there, has health coverage there and pays Idaho state taxes on her income.  D. Idaho, since she doesn’t know when she will finish the college program.  E. Idaho, if she testifies in her deposition that she plans to remain there indefinitely.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  Let’s start with C , which suggests that the court will find Rossi domiciled in Idaho because she has an apartment there, an Idaho job, health insurance there, and so on. The example illustrates a situation in which most of these practical facts suggest that one state is the domicile, but it probably isn’t. Here, there are good reasons for Rossi to arrange her practical affairs as she has, even if she plans to leave Idaho. If you went to school in a state, wouldn’t you need a place to live? Wouldn’t you get a job if you needed money? Wouldn’t you give your local address so the employer could get in touch with you? Wouldn’t you join the college health plan? Very likely, you would do all of these things, whether you intended to leave the state when you finished the degree or not. In this case, there’s a perfectly good explanation for all these practical choices, even if Rossi has definite plans to leave the state. So, these facts do not themselves establish that Rossi has an open-ended commitment to living in Idaho. So C is wrong. D suggests that Rossi is domiciled in Idaho, because she doesn’t know exactly when she will finish her degree. However, while Rossi doesn’t know when she will finish, she does have definite plans to leave Idaho when she does. Since she plans to leave upon the occurrence of a particular event, her stay is not open-ended. She’s an Idaho visitor, not a domiciliary, under domicile analysis. But A isn’t right either. It implies that you can never establish a domicile by going to a state as a student. That isn’t so. If you go to a state to attend school, without definite plans beyond your studies, you can establish a domicile there. Many students do satisfy the reside-with- intent-to-remain-indefinitely test by going to school. A case in point, on which this example is very loosely based, is Gordon v. Steele, 376 F. Supp. 575 (W.D. Pa. 1974). How about E , which takes the position that the court will find Rossi domiciled in Idaho if she testifies that she plans to remain there indefinitely? Would this be dispositive? Surely not. People do sometimes lie. More often, some motive, such as access to federal court, may color their view of a subjective fact. In determining Rossi’s domicile, the court would look at all the evidence, not just her testimony. Here, the facts pointing to Idaho are easily explained on another basis. And the fact that her fiancee has taken over the family business and they plan to marry at the time she will likely complete her studies very strongly suggests that she intends to return. Her testimony is important evidence about her intent, but not solely dispositive. So B is the best answer. Rossi has not established a domicile in Idaho, because she went there with clear plans to leave when she finished her degree. The question tells you that she plans to leave, and her engagement clearly corroborates her intent to go back to Erie. So the point is that the practical factors may be useful in evaluating a person’s subjective intent. But the ultimate fact to be proved, under the domicile test, is the intent itself. |
| **Mistral-7B Analysis:**  1. The legal context emphasizes that a person's intent is the determining factor for domicile in diversity cases.  2. The context also mentions that practical factors such as where a person votes, has health insurance, has a driver's license, rents an apartment, has a bank account, registers her car, and so forth, can help demonstrate a person's intent.  3. In this case, Rossi has established a residence in Idaho by registering her car, opening a bank account, getting health coverage through the college, having an apartment, and having a part-time job. She also pays Idaho state taxes on her income.  4. Rossi's intention to return to Pennsylvania after completing her degree is mentioned, but it is not the only factor that determines her domicile.  5. Based on the evidence presented, it appears that Rossi has the intent to remain in Idaho for an extended period of time, as she may need more than two years to finish her degree.  6. Therefore, the correct answer is C. Idaho. |
| **Llama-3-8b-instruct Analysis**  Here's my answer:  \*\*Explanation of Legal Reasoning:\*\*  1. The court will analyze Rossi's domicile for purposes of diversity by determining her intent, which is the test itself.  2. Rossi's practical affairs, such as her apartment, bank account, health insurance, and job, may be relevant evidence of her intent, but they do not automatically determine her domicile.  3. Rossi has established her intent to remain in Idaho temporarily, as she is a student and plans to complete her two-year degree.  4. However, her testimony in her deposition that she intends to return to Pennsylvania when she finishes her degree is a strong indication of her subjective intent.  5. The court will consider whether Rossi's practical conduct, such as her apartment, job, and health insurance, corroborates or refutes her testimony, and it may conclude that Rossi is domiciled in Pennsylvania, despite her temporary presence in Idaho.  \*\*Final Answer:\*\*  The correct option is: \*\*B. Pennsylvania, since she intends to return to Pennsylvania when she finishes her degree.\*\* |
| **GPT-3.5-turbo Analysis:**  1. Rossi's domicile is determined by her subjective intent, which is the ultimate test for establishing domicile for diversity purposes.  2. Although Rossi grew up in Pennsylvania and plans to return there after completing her degree, her current practical affairs in Idaho are relevant in determining her domicile.  3. Rossi has taken significant steps in establishing her life in Idaho, such as registering her car, establishing a bank account, having health coverage, having an apartment, having a job, and paying Idaho state taxes.  4. While Rossi's intention to return to Pennsylvania is a factor to consider, her current practical affairs in Idaho demonstrate a stronger intent to remain there for the time being.  5. Therefore, based on the evidence provided, the court will likely conclude that Rossi is domiciled in \*\*C. Idaho, since she has established significant ties and practical affairs in Idaho.\*\* |
| **GPT-4-turbo analysis:**  1. \*\*Understanding Domicile\*\*: Domicile is determined by a person's intent to remain in a place indefinitely. While practical affairs such as where a person works, rents an apartment, or has a bank account can provide evidence of this intent, they are not determinative on their own. The ultimate question is the person's subjective intent regarding their permanent home.  2. \*\*Analyzing Rossi's Intent\*\*: Rossi's actions in Idaho (registering her car, opening a bank account, renting an apartment, having a job, and obtaining health coverage through college) suggest a significant connection to Idaho. However, these actions alone do not establish domicile without considering her intent.  3. \*\*Evidence of Rossi's Intent to Return to Pennsylvania\*\*: Rossi has expressed a clear intent to return to Pennsylvania after completing her degree. She has plans to marry in Pennsylvania and her fiancée has established a business there, which indicates a plan to settle in Pennsylvania. This intent to return is crucial in determining her domicile.  4. \*\*Temporary Nature of Stay in Idaho\*\*: Rossi's stay in Idaho is tied to her education, which is typically considered temporary. The fact that she may take slightly longer to complete her degree if tuition increases does not necessarily indicate an intent to change her domicile to Idaho; it merely reflects a potential delay in her plans.  5. \*\*Legal Precedent and Rulings\*\*: Courts often consider whether a student's relocation is temporary or permanent when deciding on domicile. Given Rossi's clear plans and intentions to return to Pennsylvania, her stay in Idaho is likely considered temporary for educational purposes.  \*\*Final Answer: B. Pennsylvania, since she intends to return to Pennsylvania when she finishes her degree.\*\* |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. The court will consider Rossi's practical affairs to establish her intent to remain in a state.  2. Rossi has registered her car, established a bank account, and has health coverage in Idaho.  3. She has an apartment in Idaho, a part-time job, and pays Idaho state taxes on her income.  4. However, Rossi's intent is to return to Pennsylvania after completing her degree.  5. The court will look at both her testimony and practical conduct to assess her intent.  6. Despite her practical affairs in Idaho, her subjective intent is to return to Pennsylvania.  [Final Answer with the correct option]  B. Pennsylvania, since she intends to return to Pennsylvania when she finishes her degree. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The key to determining domicile is the person's intent. While evidence about a person's practical affairs can help demonstrate their subjective intent, it is not the sole determining factor.  2. In this case, Rossi has established several connections to Idaho, including registering her car, opening a bank account, getting health coverage, renting an apartment, and taking a part-time job. However, these actions alone do not automatically make her a domiciliary of Idaho.  3. The court will consider Rossi's testimony about her intent, as well as whether her practical conduct corroborates or refutes that testimony. According to the facts, Rossi plans to complete her two-year degree and then return to Pennsylvania, where her fiancee has a business and they have planned their wedding.  4. This suggests that Rossi's intent is to remain in Idaho temporarily for educational purposes, but her long-term plan is to return to Pennsylvania.  5. While there is some uncertainty about the exact timing of her return to Pennsylvania, due to potential tuition increases, this does not change her overall intent to return to Pennsylvania.  6. Therefore, the court will likely conclude that Rossi is domiciled in Pennsylvania, as her intent is to return there after completing her education.  Final Answer: B. Pennsylvania, since she intends to return to Pennsylvania when she finishes her degree. |
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| **Human Annotator Analysis of Mistral-7B:**  1. The legal context emphasizes that a person's intent is the determining factor for domicile in diversity cases. (Correct)  2. The context also mentions that practical factors such as where a person votes, has health insurance, has a driver's license, rents an apartment, has a bank account, registers her car, and so forth, can help demonstrate a person's intent. (Correct)  3. In this case, Rossi has established a residence in Idaho by registering her car, opening a bank account, getting health coverage through the college, having an apartment, and having a part-time job. She also pays Idaho state taxes on her income. (Correct)  4. Rossi's intention to return to Pennsylvania after completing her degree is mentioned, but it is not the only factor that determines her domicile.  (Misinterpretation) - Mistral says that Rossi’s intent is not the only factor in determining domicile despite saying in [1] that intent is the determining factor for domicile! Here in this case, the LLM has cherry-picked on one of its previous generated premises. (Cherry-Picking)  5. Based on the evidence presented, it appears that Rossi has the intent to remain in Idaho for an extended period of time, as she may need more than two years to finish her degree.  (Misinterpretation) - Regardless of if she needs more than two years to finish her degree, the fact that she intends to return to Pennsylvania upon finishing means she has clear plans to leave Idaho based upon a definite event. An extended period of time is not indefinite! (False Equivalence)  6. Therefore, the correct answer is C. Idaho.  Wrong Conclusion from False Premises - faulty reasoning in [4] and [5] caused Mistral to disregard Rossi’s intent to return to Pennsylvania and instead focus on her current activities in Idaho. |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here's my answer:  \*\*Explanation of Legal Reasoning:\*\*  1. The court will analyze Rossi's domicile for purposes of diversity by determining her intent, which is the test itself. (Correct)  2. Rossi's practical affairs, such as her apartment, bank account, health insurance, and job, may be relevant evidence of her intent, but they do not automatically determine her domicile. (Correct)  3. Rossi has established her intent to remain in Idaho temporarily, as she is a student and plans to complete her two-year degree. (Correct)  4. However, her testimony in her deposition that she intends to return to Pennsylvania when she finishes her degree is a strong indication of her subjective intent. (Correct)  5. The court will consider whether Rossi's practical conduct, such as her apartment, job, and health insurance, corroborates or refutes her testimony, and it may conclude that Rossi is domiciled in Pennsylvania, despite her temporary presence in Idaho. (Correct)  \*\*Final Answer:\*\*  The correct option is: \*\*B. Pennsylvania, since she intends to return to Pennsylvania when she finishes her degree.\*\* (Correct) |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. Rossi's domicile is determined by her subjective intent, which is the ultimate test for establishing domicile for diversity purposes. (Correct)  2. Although Rossi grew up in Pennsylvania and plans to return there after completing her degree, her current practical affairs in Idaho are relevant in determining her domicile. (Incorrect)  Wrong Conclusion from Correct Premise: Earlier GPT said that subjective intent is the ultimate test for establishing domicile, but it contradicts that statement here. The fact that Rossi intends to return to Pennsylvania means she has clear plans to leave Idaho based on a definite event.  3. Rossi has taken significant steps in establishing her life in Idaho, such as registering her car, establishing a bank account, having health coverage, having an apartment, having a job, and paying Idaho state taxes. (Correct)  4. While Rossi's intention to return to Pennsylvania is a factor to consider, her current practical affairs in Idaho demonstrate a stronger intent to remain there for the time being. (Incorrect)  False Cause: She has a very established intent to return to Pennsylvania.  5. Therefore, based on the evidence provided, the court will likely conclude that Rossi is domiciled in \*\*C. Idaho, since she has established significant ties and practical affairs in Idaho.\*\* (Incorrect) |
| **Human Annotator Analysis of GPT-4-turbo analysis:**  1. \*\*Understanding Domicile\*\*: Domicile is determined by a person's intent to remain in a place indefinitely. While practical affairs such as where a person works, rents an apartment, or has a bank account can provide evidence of this intent, they are not determinative on their own. The ultimate question is the person's subjective intent regarding their permanent home. (Correct)  2. \*\*Analyzing Rossi's Intent\*\*: Rossi's actions in Idaho (registering her car, opening a bank account, renting an apartment, having a job, and obtaining health coverage through college) suggest a significant connection to Idaho. However, these actions alone do not establish domicile without considering her intent.(Correct)  3. \*\*Evidence of Rossi's Intent to Return to Pennsylvania\*\*: Rossi has expressed a clear intent to return to Pennsylvania after completing her degree. She has plans to marry in Pennsylvania and her fiancée has established a business there, which indicates a plan to settle in Pennsylvania. This intent to return is crucial in determining her domicile. (Correct)  4. \*\*Temporary Nature of Stay in Idaho\*\*: Rossi's stay in Idaho is tied to her education, which is typically considered temporary. The fact that she may take slightly longer to complete her degree if tuition increases does not necessarily indicate an intent to change her domicile to Idaho; it merely reflects a potential delay in her plans. (Correct)  5. \*\*Legal Precedent and Rulings\*\*: Courts often consider whether a student's relocation is temporary or permanent when deciding on domicile. Given Rossi's clear plans and intentions to return to Pennsylvania, her stay in Idaho is likely considered temporary for educational purposes. (Correct)  \*\*Final Answer: B. Pennsylvania, since she intends to return to Pennsylvania when she finishes her degree.\*\* (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The court will consider Rossi's practical affairs to establish her intent to remain in a state.  2. Rossi has registered her car, established a bank account, and has health coverage in Idaho.  3. She has an apartment in Idaho, a part-time job, and pays Idaho state taxes on her income.  4. However, Rossi's intent is to return to Pennsylvania after completing her degree.  5. The court will look at both her testimony and practical conduct to assess her intent.  6. Despite her practical affairs in Idaho, her subjective intent is to return to Pennsylvania.  [Final Answer with the correct option]  B. Pennsylvania, since she intends to return to Pennsylvania when she finishes her degree. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The key to determining domicile is the person's intent. While evidence about a person's practical affairs can help demonstrate their subjective intent, it is not the sole determining factor.  2. In this case, Rossi has established several connections to Idaho, including registering her car, opening a bank account, getting health coverage, renting an apartment, and taking a part-time job. However, these actions alone do not automatically make her a domiciliary of Idaho.  3. The court will consider Rossi's testimony about her intent, as well as whether her practical conduct corroborates or refutes that testimony. According to the facts, Rossi plans to complete her two-year degree and then return to Pennsylvania, where her fiancee has a business and they have planned their wedding.  4. This suggests that Rossi's intent is to remain in Idaho temporarily for educational purposes, but her long-term plan is to return to Pennsylvania.  5. While there is some uncertainty about the exact timing of her return to Pennsylvania, due to potential tuition increases, this does not change her overall intent to return to Pennsylvania.  6. Therefore, the court will likely conclude that Rossi is domiciled in Pennsylvania, as her intent is to return there after completing her education.  Final Answer: B. Pennsylvania, since she intends to return to Pennsylvania when she finishes her degree. |

### **20.** Olefsky, from Florida, is…

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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Remember that Mottley is frequently referred to as the ‘‘well-pleaded complaint’’ rule, because it requires the court to consider not what the plaintiff has pleaded, but what she needed to plead to state her cause of action. Just because the plaintiff makes allegations involving federal law in her complaint (as the Mottleys did to rebut the railroad’s anticipated defense) doesn’t mean that her case arises under federal law. The court will ask what she would plead if she were just stating her own claim and not gilding the lily to get into federal court. This is puzzling for first year law students. You are just learning the elements of different legal claims, so it’s hard to know what allegations are essential to a claim and which are not. But it’s fairly clear on the facts of Mottley that the plaintiffs did not have to breathe a word about the federal statute in order to assert a valid complaint against the railroad. They certainly didn’t claim that they could get relief because of the federal statute, but rather in spite of it. The basic syllogism that supports their claim is ‘‘We made a contract with the railroad, it didn’t perform its obligations, we want an order to it to do so.’’ That is the substance of the Mottleys’ position, and it states a basic claim for breach of contract without any reference to a federal issue. Of course, the Mottleys did refer to federal law in their complaint: they alleged that the federal statute was the railroad’s reason for refusing to perform the contract. But they didn’t have to allege that to state their contract claim, so the Supreme Court held that this superfluous allegation should be ignored in determining whether the case arises under federal law. The Court didn’t make this distinction just to wallow in technicalities. It did so to prevent manipulation by plaintiffs. If plaintiffs could ‘‘make a federal case’’ out of a state law claim by including unnecessary references to federal law in their complaints, arising-under jurisdiction could be created by simply including peripheral or even irrelevant references to federal issues in the complaint. By asking not what is in the complaint, but what has to be, the court can limit the opportunity to manipulate the federal courts’ jurisdiction.  Question:  Olefsky, from Florida, is diagnosed with leukemia. Testing of his well determines that it is polluted with toxic chemicals, which may have caused his disease. Officials investigate and determine that the chemicals had migrated through the ground-water from a nearby landfill run by Acme Disposal Corporation, a New York corporation with its principal place of business in Florida. The landfill is completely lined, to prevent leaching into the groundwater, but several years ago one of Acme’s drivers had dumped a load outside the lined area. The investigation also revealed other problems with Acme’s waste management practices. For example, Acme had violated the Federal Toxics Transportation Act, by failing to file manifests with the Environmental Protection Agency detailing the contents of shipments of hazardous wastes, as required by the Act. Olefsky sues Acme in federal court, claiming that the dumping created a nuisance (a state law tort) that led to his injuries. The complaint also alleges that Acme violated the Federal Toxics Transportation Act, by failing to file manifests (though it does not allege damages arising from those violations). Acme moves to dismiss for lack of subject matter jurisdiction.  Options:  A. The motion will be denied if Acme violated the Federal Toxics Transportation Act.  B. The motion will be denied, because Olefsky has alleged a violation of federal law in his complaint.  C. The motion will be granted, even if the case arises under federal law, because Acme’s principal place of business is in Florida, so that the parties are not diverse.  D. The motion will be granted, since Olefsky’s case does not ‘‘arise under’’ federal law, as that phrase is interpreted in 28 U.S.C. §1331.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  Sometimes the most basic points about a subject are the most confusing. It’s very important to recognize what is wrong with the third choice here. C suggests that there must be both diversity and a federal question in order to sue in federal court. Not so; a plaintiff may sue in federal court as long as her case satisfies one category of federal jurisdiction . . . it doesn’t have to fit into two, or ten! Thus, if this case arises under federal law, it can be brought in federal court, even though the parties are both from Florida. Conversely, if they were diverse, the case could be brought in federal court even if it arose under state law. Does Olefsky’s case arise under federal law? A suggests that it does if Acme violated the Federal Toxics Transportation Act. However, even if Acme violated the Act, that doesn’t mean that Olefsky’s case arises under it. His claim for damages does not arise from the failure to file EPA reports; it arises from dumping by Acme’s driver in an unlined area. So what if they violated the federal reporting statute? How does that strengthen Olefsky’s case? He’s suing for nuisance, a state tort theory based on different acts by the defendant. It’s irrelevant to Olefsky’s case that they violated other federal pollution requirements. Suppose Acme had violated a federal accounting statute, and Olefsky found that out. Could he sue for his pollution claim and argue that it arises under federal law because they violated a federal law irrelevant to his claim? Certainly not. Olefsky may have alleged a federal violation in his complaint, but it doesn’t have to be in there to state his claim against Acme. His ‘‘well-pleaded complaint’’—one that contains the allegations that entitle him to sue Acme for damages, but only those allegations— would contain nuisance allegations, but nothing about the Federal Toxics Transportation Act. Indeed, Olefsky’s right to recover would be exactly the same if there were no Federal Toxics Transportation Act. If that is true, the statute is obviously irrelevant to his claim, and throwing promiscuous references to it into the complaint will not make the case ‘‘arise under’’ federal law. Thus, A is wrong, and that means that B is too. If it’s irrelevant that Acme violated the statute, it’s also irrelevant that Olefsky alleged that they did. D takes the prize. This case asserts a state tort claim and therefore does not arise under federal law within the meaning of 28 U.S.C. §1331. |
| **Mistral-7B Analysis**  1. The legal context from Mottley v. Moore establishes that a plaintiff's reference to federal law in a complaint does not automatically mean that the case arises under federal law.  2. In the present case, Olefsky's complaint alleges a state law tort (nuisance) against Acme, and the reference to the Federal Toxics Transportation Act is not essential to stating the claim.  3. The Mottley rule instructs us to focus on what the plaintiff must allege to state a claim, rather than what they have alleged.  4. Here, Olefsky's claim for nuisance does not require any reference to the Federal Toxics Transportation Act.  5. Therefore, the case does not arise under federal law, as defined by 28 U.S.C. §1331.  [Final Answer: D. The motion will be granted, since Olefsky’s case does not “arise under” federal law, as that phrase is interpreted in 28 U.S.C. §1331.] |
| **Llama-3-8b-instruct Analysis**  Here's my answer:  \*\*Explanation of Legal Reasoning:\*\*  1. The court will analyze whether Olefsky's case "arises under" federal law, as interpreted in 28 U.S.C. §1331.  2. Olefsky's complaint alleges a state law tort (nuisance) that led to his injuries, which is the core of his claim.  3. The allegations regarding Acme's violation of the Federal Toxics Transportation Act are superfluous and do not affect the substance of Olefsky's claim.  4. The court will ignore the unnecessary allegations about federal law and ask what Olefsky would have pleaded if he were just stating his own claim, without trying to get into federal court.  5. In this case, Olefsky needed to plead only the facts that support his state law tort claim, and the allegations about federal law are not essential to his claim.  \*\*Final Answer:\*\*  The correct option is: \*\*D. The motion will be granted, since Olefsky's case does not ‘‘arise under’’ federal law, as that phrase is interpreted in 28 U.S.C. §1331.\*\* |
| **GPT-3.5-turbo Analysis:**  1. Olefsky's complaint is based on a state law tort claim of nuisance caused by the dumping of toxic chemicals by Acme, a New York corporation.  2. The complaint also includes an allegation that Acme violated the Federal Toxics Transportation Act by failing to file manifests with the EPA, but does not claim damages arising from those violations.  3. The well-pleaded complaint rule, as established in Mottley, requires the court to consider what the plaintiff needed to plead to state their cause of action, not just what they actually pleaded.  4. In this case, Olefsky's primary claim is based on a state law tort of nuisance, not on a federal issue. The allegation of a violation of the Federal Toxics Transportation Act is peripheral to the main claim and not necessary to state the cause of action.  5. Therefore, the motion to dismiss for lack of subject matter jurisdiction should be granted, as Olefsky's case does not "arise under" federal law as interpreted in 28 U.S.C. §1331.  Final Answer: D. The motion will be granted, since Olefsky’s case does not ‘‘arise under’’ federal law, as that phrase is interpreted in 28 U.S.C. §1331. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the "Arising Under" Doctrine\*\*: According to the "well-pleaded complaint" rule from Mottley, the court must determine whether the plaintiff's claim inherently requires resolution of a federal question. This means the claim itself must establish that it is based on federal law, not merely that the complaint includes references to federal law.  2. \*\*Analyzing Olefsky's Complaint\*\*: Olefsky's primary claim against Acme is for creating a nuisance that led to his injuries. This is a state law tort claim. The reference to the Federal Toxics Transportation Act, concerning the failure to file manifests, is included in the complaint but does not form the basis of Olefsky's claim for damages. Instead, it appears to provide context or additional evidence of negligence or wrongdoing.  3. \*\*Application of the Mottley Principle\*\*: In line with the Mottley decision, the court will ignore references to federal law that are not essential to the plaintiff's claim. Olefsky's claim can stand independently as a nuisance under state law without needing to invoke the Federal Toxics Transportation Act. Therefore, the inclusion of the federal law violation is not necessary for the state law claim of nuisance.  4. \*\*Determining Jurisdiction\*\*: Since Olefsky's claim does not inherently require resolving a question of federal law, it does not "arise under" federal law as required by 28 U.S.C. §1331 for federal question jurisdiction. The mere presence of a federal statute in the complaint does not automatically confer federal jurisdiction if the core claim is based on state law.  5. \*\*Conclusion on Jurisdiction and Motion to Dismiss\*\*: Given that the federal aspect of the complaint is not essential to Olefsky's claim and does not establish the basis for federal jurisdiction, the motion to dismiss for lack of subject matter jurisdiction should be granted.  \*\*Final Answer: D. The motion will be granted, since Olefsky’s case does not ‘‘arise under’’ federal law, as that phrase is interpreted in 28 U.S.C. §1331.\*\* |
| **Phi-3-medium-128k-instruct-2-ICL Analysis:**  1. The Mottley rule requires the court to consider what the plaintiff needed to plead to state her cause of action, not just what she pleaded.  2. Olefsky's primary claim is for a state law tort of nuisance, which does not require allegations of federal law to be stated.  3. The allegation of a violation of the Federal Toxics Transportation Act is not necessary to state the claim for nuisance, and thus is not essential to the cause of action.  4. The Supreme Court in Mottley held that superfluous allegations of federal law should be ignored in determining whether the case arises under federal law.  5. The presence of a federal law violation in the complaint does not automatically mean the case arises under federal law if the claim could exist without it.  6. The diversity of parties is not relevant to the question of whether the case arises under federal law.  Final Answer: D. The motion will be granted, since Olefsky’s case does not ‘‘arise under’’ federal law, as that phrase is interpreted in 28 U.S.C. §1331. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The key issue in this case is whether Olefsky's claim "arises under" federal law, as required by 28 U.S.C. §1331. To determine this, we need to apply the "well-pleaded complaint" rule, as established in Mottley.  2. Under the "well-pleaded complaint" rule, the court considers not what the plaintiff has pleaded, but what she needed to plead to state her cause of action. In other words, we need to identify the essential elements of Olefsky's claim and determine whether federal law is necessary to support it.  3. Olefsky's primary claim is that Acme's dumping created a nuisance (a state law tort) that led to his injuries. This claim can be stated without referencing federal law, as it is a state law tort claim.  4. The complaint also alleges that Acme violated the Federal Toxics Transportation Act, but it does not allege damages arising from those violations. This suggests that the federal law allegations are not essential to Olefsky's primary claim.  5. Applying the "well-pleaded complaint" rule, we can ignore the superfluous allegations of federal law violations, as they are not necessary to state Olefsky's claim.  6. Since Olefsky's primary claim is a state law tort claim that does not require federal law to support it, his case does not "arise under" federal law, as required by 28 U.S.C. §1331.  7. Therefore, the federal court lacks subject matter jurisdiction over Olefsky's claim, and Acme's motion to dismiss should be granted.  Final Answer: D. |
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| **Human Annotator Analysis of Mistral-7B:**  1. The legal context from Mottley v. Moore establishes that a plaintiff's reference to federal law in a complaint does not automatically mean that the case arises under federal law. (Hallucination) - The case referred to is Louisville & Nashville R. Co. v. Mottley, not Mottley v. Moore.  2. In the present case, Olefsky's complaint alleges a state law tort (nuisance) against Acme, and the reference to the Federal Toxics Transportation Act is not essential to stating the claim. (Correct)  3. The Mottley rule instructs us to focus on what the plaintiff must allege to state a claim, rather than what they have alleged. (Correct)  4. Here, Olefsky's claim for nuisance does not require any reference to the Federal Toxics Transportation Act. (Correct)  5. Therefore, the case does not arise under federal law, as defined by 28 U.S.C. §1331. (Correct)  [Final Answer: D. The motion will be granted, since Olefsky’s case does not “arise under” federal law, as that phrase is interpreted in 28 U.S.C. §1331.] |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here's my answer:  \*\*Explanation of Legal Reasoning:\*\*  1. The court will analyze whether Olefsky's case "arises under" federal law, as interpreted in 28 U.S.C. §1331.(Correct)  2. Olefsky's complaint alleges a state law tort (nuisance) that led to his injuries, which is the core of his claim. (Correct)  3. The allegations regarding Acme's violation of the Federal Toxics Transportation Act are superfluous and do not affect the substance of Olefsky's claim. (Correct)  4. The court will ignore the unnecessary allegations about federal law and ask what Olefsky would have pleaded if he were just stating his own claim, without trying to get into federal court. (Correct)  5. In this case, Olefsky needed to plead only the facts that support his state law tort claim, and the allegations about federal law are not essential to his claim. (Correct)  \*\*Final Answer:\*\*  The correct option is: \*\*D. The motion will be granted, since Olefsky's case does not ‘‘arise under’’ federal law, as that phrase is interpreted in 28 U.S.C. §1331.\*\* (Correct) |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. Olefsky's complaint is based on a state law tort claim of nuisance caused by the dumping of toxic chemicals by Acme, a New York corporation. (Correct)  2. The complaint also includes an allegation that Acme violated the Federal Toxics Transportation Act by failing to file manifests with the EPA, but does not claim damages arising from those violations. (Correct)  3. The well-pleaded complaint rule, as established in Mottley, requires the court to consider what the plaintiff needed to plead to state their cause of action, not just what they actually pleaded. (Correct)  4. In this case, Olefsky's primary claim is based on a state law tort of nuisance, not on a federal issue. The allegation of a violation of the Federal Toxics Transportation Act is peripheral to the main claim and not necessary to state the cause of action. (Correct)  5. Therefore, the motion to dismiss for lack of subject matter jurisdiction should be granted, as Olefsky's case does not "arise under" federal law as interpreted in 28 U.S.C. §1331. (Correct)  Final Answer: D. The motion will be granted, since Olefsky’s case does not ‘‘arise under’’ federal law, as that phrase is interpreted in 28 U.S.C. §1331. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the "Arising Under" Doctrine\*\*: According to the "well-pleaded complaint" rule from Mottley, the court must determine whether the plaintiff's claim inherently requires resolution of a federal question. This means the claim itself must establish that it is based on federal law, not merely that the complaint includes references to federal law. (Correct)  2. \*\*Analyzing Olefsky's Complaint\*\*: Olefsky's primary claim against Acme is for creating a nuisance that led to his injuries. This is a state law tort claim. The reference to the Federal Toxics Transportation Act, concerning the failure to file manifests, is included in the complaint but does not form the basis of Olefsky's claim for damages. Instead, it appears to provide context or additional evidence of negligence or wrongdoing. (Correct)  3. \*\*Application of the Mottley Principle\*\*: In line with the Mottley decision, the court will ignore references to federal law that are not essential to the plaintiff's claim. Olefsky's claim can stand independently as a nuisance under state law without needing to invoke the Federal Toxics Transportation Act. Therefore, the inclusion of the federal law violation is not necessary for the state law claim of nuisance. (Correct)  4. \*\*Determining Jurisdiction\*\*: Since Olefsky's claim does not inherently require resolving a question of federal law, it does not "arise under" federal law as required by 28 U.S.C. §1331 for federal question jurisdiction. The mere presence of a federal statute in the complaint does not automatically confer federal jurisdiction if the core claim is based on state law. (Correct)  28 USC §1331 is not mentioned in the legal context. LLM got it from its inherent knowledge.  5. \*\*Conclusion on Jurisdiction and Motion to Dismiss\*\*: Given that the federal aspect of the complaint is not essential to Olefsky's claim and does not establish the basis for federal jurisdiction, the motion to dismiss for lack of subject matter jurisdiction should be granted.  (Correct)  \*\*Final Answer: D. The motion will be granted, since Olefsky’s case does not ‘‘arise under’’ federal law, as that phrase is interpreted in 28 U.S.C. §1331.\*\* (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The Mottley rule requires the court to consider what the plaintiff needed to plead to state her cause of action, not just what she pleaded.  2. Olefsky's primary claim is for a state law tort of nuisance, which does not require allegations of federal law to be stated.  3. The allegation of a violation of the Federal Toxics Transportation Act is not necessary to state the claim for nuisance, and thus is not essential to the cause of action.  4. The Supreme Court in Mottley held that superfluous allegations of federal law should be ignored in determining whether the case arises under federal law.  5. The presence of a federal law violation in the complaint does not automatically mean the case arises under federal law if the claim could exist without it.  6. The diversity of parties is not relevant to the question of whether the case arises under federal law.  Final Answer: D. The motion will be granted, since Olefsky’s case does not ‘‘arise under’’ federal law, as that phrase is interpreted in 28 U.S.C. §1331. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The key issue in this case is whether Olefsky's claim "arises under" federal law, as required by 28 U.S.C. §1331. To determine this, we need to apply the "well-pleaded complaint" rule, as established in Mottley.  2. Under the "well-pleaded complaint" rule, the court considers not what the plaintiff has pleaded, but what she needed to plead to state her cause of action. In other words, we need to identify the essential elements of Olefsky's claim and determine whether federal law is necessary to support it.  3. Olefsky's primary claim is that Acme's dumping created a nuisance (a state law tort) that led to his injuries. This claim can be stated without referencing federal law, as it is a state law tort claim.  4. The complaint also alleges that Acme violated the Federal Toxics Transportation Act, but it does not allege damages arising from those violations. This suggests that the federal law allegations are not essential to Olefsky's primary claim.  5. Applying the "well-pleaded complaint" rule, we can ignore the superfluous allegations of federal law violations, as they are not necessary to state Olefsky's claim.  6. Since Olefsky's primary claim is a state law tort claim that does not require federal law to support it, his case does not "arise under" federal law, as required by 28 U.S.C. §1331.  7. Therefore, the federal court lacks subject matter jurisdiction over Olefsky's claim, and Acme's motion to dismiss should be granted.  Final Answer: D. |

### **21.** the federal court lack diversity jurisdiction?

| **21.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Chief Justice Marshall’s Strawbridge Rule: The requirement of complete diversity Very early on, the Supreme Court held that diversity jurisdiction is only proper if all plaintiffs are citizens of different states from all defendants. Strawbridge v. Curtiss , 7 U.S. 267 (1806). You can have multiple defendants from the same state, and multiple plaintiffs from the same state, but no plaintiff can be from the same state as any defendant or her presence will ‘‘destroy diversity.’’ (In the real world, of course, a plaintiff can cure the defect by dropping the non diverse plaintiff, or a defendant from the plaintiff’s state, to ‘‘perfect diversity.’’) A twist in applying the Strawbridge rule arises in cases involving corporations. The Supreme Court has held that corporations are state ‘‘citizens,’’ but courts cannot determine their citizenship by the domicile test, since a corporation can’t have ‘‘intent’’ the way a person can. Consequently, Congress has defined the ‘‘state citizenship’’ of a corporation in the diversity statute itself. 28 U.S.C. §1332(c)(1) provides that a corporation is a citizen of the state in which it is incorporated, and also the state in which it has its principal place of business.  Question:  In which of the following cases would the federal court lack diversity jurisdiction? (Assume in each case that the suit is for more than $75,000.)    Options:  A. Madison, from Virginia, Jefferson, from Virginia, and Gerry, from Massachusetts, sue Hamilton, from New York and Franklin, from Pennsylvania.  B. Madison, from Virginia, sues Lafayette, from Maryland, and Washington Corporation, incorporated in Delaware with its principal place of business in Maryland, and a large office in Virginia.  C. Madison, from Virginia, sues Adams Corporation, incorporated in Delaware with its principal place of business in Virginia.  D. The court lacks jurisdiction in choices B and C.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  Questions with double choices, like D here, can be excruciating. You review the answers and find one that is ‘‘right.’’ You think you’re all set, and then realize that you aren’t, since two may be right. Back to the drawing board. One lesson, of course, is to read all the choices very carefully. A is a proper diversity case (and therefore not the right answer) since no defendant is from the same state as any plaintiff. C is not a proper diversity case, since Adams Corporation is from the same state as Madison: Its principal place of business is in Virginia. Adams can’t argue that there’s diversity because it is from Delaware, where it is incorporated. The point of 28 U.S.C. §1332(c)(1) is that the corporation is considered a citizen of both states, and is not diverse from a citizen of either. So we have one right answer. The tougher question is whether there is diversity jurisdiction in B , in which Washington Corporation is not incorporated in Madison’s state, and does not have its principal place of business there, but does have a substantial place of business there. The statute provides that a corporation is a citizen of the state of ‘‘the’’ principal place of business, suggesting that only one will be chosen, even if the corporation has large establishments in several. That has been the holding of the courts. A corporation—say, McDonalds, of hamburger fame—may have many restaurants and a great deal of business in lots of states, but under §1332(c)(1) the court must choose one as its ‘‘principal’’ place of business. The question tells you that Washington Corporation’s principal place of business is Maryland. It can’t be diverse from a Marylander, but is diverse from Virginians. So B is a good diversity case; the right answer is C . By the way, this question suggests two useful hints about taking multiple-choice questions. • First, read the question with excruciating care. Here, it would be easy to read the question as ‘‘In which cases would the court have jurisdiction?’’ If you do, of course, you will get it wrong. In a lecture by an expert on the multistate bar exam (which consists solely of multiple-choice questions) the speaker described the multistate exam as ‘‘an exercise in reading comprehension.’’ I would be willing to wager that most students get more questions wrong by failing to read carefully than they do from lack of substantive knowledge. • Second, when a question tells you something is true, take it on faith. Here, for example, don’t go questioning whether Washington Corporation’s large office in Virginia might be its principal place of business. Your professor is the boss in the artificial world of the exam. If she says its principal place of business is Maryland, answer the question based on that premise, whether you believe it or not. |
| **Mistral-7B Analysis**  [Explanation]  1. The Strawbridge Rule requires that all plaintiffs be citizens of different states from all defendants for diversity jurisdiction to be proper.  2. In option A, all plaintiffs (Madison, Jefferson, and Gerry) are from the same state (Virginia), while all defendants (Hamilton and Franklin) are from different states (New York and Pennsylvania), respectively. Therefore, diversity jurisdiction is proper in this case.  3. In option B, Madison is from Virginia, Lafayette is from Maryland, and Washington Corporation is incorporated in Delaware with its principal place of business in Maryland. Since Madison is from the same state as one defendant (Lafayette), diversity jurisdiction is not proper in this case.  4. In option C, Madison is from Virginia, and Adams Corporation is incorporated in Delaware with its principal place of business in Virginia. Since all plaintiffs and defendants are from different states, diversity jurisdiction is proper in this case.  [Final Answer]  The court lacks jurisdiction in choice B. |
| **Llama-3-8b-instruct Analysis**  Here is the response:  1. The first step in determining whether the federal court lacks diversity jurisdiction is to identify the citizenship of the parties involved. In this case, we have Madison from Virginia, Jefferson from Virginia, Gerry from Massachusetts, Hamilton from New York, and Franklin from Pennsylvania.  2. Since Madison, Jefferson, and Gerry are all from different states, they have complete diversity. However, Hamilton and Franklin are from the same state (New York and Pennsylvania, respectively), which means that the diversity is incomplete.  3. Therefore, the federal court would lack diversity jurisdiction in option A.  Final Answer: A. Madison, from Virginia, Jefferson, from Virginia, and Gerry, from Massachusetts, sue Hamilton, from New York and Franklin, from Pennsylvania.  Note: The other options do not involve a lack of diversity jurisdiction. In option B, the court would have diversity jurisdiction because the corporation, Washington Corporation, is a citizen of Delaware and Maryland, and Madison is a citizen of Virginia. In option C, the court would also have diversity jurisdiction because Adams Corporation is a citizen of Delaware and Virginia, and Madison is a citizen of Virginia. Therefore, the correct answer is option A. |
| **GPT-3.5-turbo Analysis:**  1. In order for federal court to have diversity jurisdiction, all plaintiffs must be citizens of different states from all defendants, as per the Strawbridge Rule.  2. Looking at option A, Madison, Jefferson, and Gerry are all citizens of different states from Hamilton and Franklin. Therefore, there is diversity jurisdiction in this case.  3. Moving on to option B, Madison is from Virginia, Lafayette is from Maryland, and Washington Corporation is incorporated in Delaware with its principal place of business in Maryland. Since Washington Corporation is a citizen of Delaware and Maryland, there is no diversity between Madison and Washington Corporation. Therefore, the federal court lacks diversity jurisdiction in this case.  4. Lastly, considering option C, Madison is from Virginia and Adams Corporation is incorporated in Delaware with its principal place of business in Virginia. There is no diversity between Madison and Adams Corporation. Therefore, the federal court also lacks diversity jurisdiction in this case.  5. Based on the legal reasoning provided, the correct answer is D. The court lacks jurisdiction in choices B and C. |
| **GPT-4-turbo Analysis:**  1. \*\*Analyzing Option A\*\*: Madison and Jefferson, both from Virginia, and Gerry from Massachusetts are suing Hamilton from New York and Franklin from Pennsylvania. Here, all plaintiffs are from different states than all defendants. According to the Strawbridge rule, this maintains complete diversity as no plaintiff shares a state with any defendant.  2. \*\*Analyzing Option B\*\*: Madison from Virginia sues Lafayette from Maryland, and Washington Corporation, which is incorporated in Delaware and has its principal place of business in Maryland, but also has a large office in Virginia. The presence of a large office does not affect the corporation's state of citizenship for diversity purposes, which is determined by the place of incorporation and the principal place of business. Therefore, Washington Corporation is a citizen of Delaware and Maryland, not Virginia. This maintains complete diversity as Madison does not share a state with any defendant.  3. \*\*Analyzing Option C\*\*: Madison from Virginia sues Adams Corporation, which is incorporated in Delaware but has its principal place of business in Virginia. Here, Adams Corporation is considered a citizen of both Delaware and Virginia. Since Madison is also from Virginia, this destroys the complete diversity required under the Strawbridge rule.  4. \*\*Analyzing Option D\*\*: This option claims that the court lacks jurisdiction in both options B and C. From the analysis above, it is clear that jurisdiction is only lacking in option C, not in option B.  \*\*Final Answer: C. Madison, from Virginia, sues Adams Corporation, incorporated in Delaware with its principal place of business in Virginia.\*\* This option lacks diversity jurisdiction because the plaintiff and one of the defendants (Adams Corporation) are from the same state, Virginia, thus violating the complete diversity requirement. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning for the given options:  1. Analyzing Option A:  - Madison, Jefferson, and Gerry are the plaintiffs from Virginia and Massachusetts.  - Hamilton and Franklin are the defendants from New York and Pennsylvania.  - Since no plaintiff is from the same state as any defendant, diversity jurisdiction is proper according to the Strawbridge rule.  2. Analyzing Option B:  - Madison is the plaintiff from Virginia.  - Lafayette is a defendant from Maryland.  - Washington Corporation is a defendant incorporated in Delaware with its principal place of business in Maryland.  - Although Washington Corporation has a large office in Virginia, its citizenship is determined by its state of incorporation (Delaware) and its principal place of business (Maryland), not by the location of its offices.  - Since no plaintiff is from the same state as any defendant, diversity jurisdiction is proper according to the Strawbridge rule.  3. Analyzing Option C:  - Madison is the plaintiff from Virginia.  - Adams Corporation is a defendant incorporated in Delaware with its principal place of business in Virginia.  - Since Adams Corporation's principal place of business is in Virginia, which is the same state as the plaintiff Madison, diversity jurisdiction is not proper according to the Strawbridge rule and 28 U.S.C. §1332(c)(1).  4. Analyzing Option D:  - Based on the analysis above, the court only lacks jurisdiction in choice C, not in choice B.  Final Answer: C |
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| **Human Annotator Analysis of Mistral-7B:**  [Explanation]  1. The Strawbridge Rule requires that all plaintiffs be citizens of different states from all defendants for diversity jurisdiction to be proper. (Correct)  2. In option A, all plaintiffs (Madison, Jefferson, and Gerry) are from the same state (Virginia), while all defendants (Hamilton and Franklin) are from different states (New York and Pennsylvania), respectively. Therefore, diversity jurisdiction is proper in this case.  (Hallucination) - Gerry being from Virginia. Gerry is from Massachusetts.  3. In option B, Madison is from Virginia, Lafayette is from Maryland, and Washington Corporation is incorporated in Delaware with its principal place of business in Maryland. Since Madison is from the same state as one defendant (Lafayette), diversity jurisdiction is not proper in this case.  (Hallucination) - Madison and Lafayette are not from the same state.  (Misinterpretation) - Madison is not from the same state as Lafayette, but the LLM has falsed assumed that she is, disrupting the diversity of the case.  4. In option C, Madison is from Virginia, and Adams Corporation is incorporated in Delaware with its principal place of business in Virginia. Since all plaintiffs and defendants are from different states, diversity jurisdiction is proper in this case.  (Misinterpretation) - It is stated in the legal context that a corporation is a citizen of both the state it is incorporated in and its principal place of business, but Mistral forgets this. Hence the corporation is not diverse from Madison as both of them are from Virginia.  [Final Answer]  The court lacks jurisdiction in choice B.  (Wrong Conclusion from False Premises) |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here is the response:  1. The first step in determining whether the federal court lacks diversity jurisdiction is to identify the citizenship of the parties involved. In this case, we have Madison from Virginia, Jefferson from Virginia, Gerry from Massachusetts, Hamilton from New York, and Franklin from Pennsylvania.(Correct)  2. Since Madison, Jefferson, and Gerry are all from different states, they have complete diversity. However, Hamilton and Franklin are from the same state (New York and Pennsylvania, respectively), which means that the diversity is incomplete.(Incorrect)  (Hallucination) - Madison and Jefferson are both from Virginia.  (Hallucination) - The LLM falsely concludes that New York and Pennsylvania are the same state and fails to consider that no defendant is from the same state as any plaintiff. Even if the defendants or the plaintiffs are from the same state, it would not matter because the plaintiffs and defendants should not be from the same state for diversity jurisdiction to be true.  3. Therefore, the federal court would lack diversity jurisdiction in option A.(Incorrect)(Wrong Conclusion from Incomplete Premises) - The LLM makes the wrong conclusion that follows the wrong assumption it made in point 2.  Final Answer: A. Madison, from Virginia, Jefferson, from Virginia, and Gerry, from Massachusetts, sue Hamilton, from New York and Franklin, from Pennsylvania.  Note: The other options do not involve a lack of diversity jurisdiction. In option B, the court would have diversity jurisdiction because the corporation, Washington Corporation, is a citizen of Delaware and Maryland, and Madison is a citizen of Virginia. In option C, the court would also have diversity jurisdiction because Adams Corporation is a citizen of Delaware and Virginia, and Madison is a citizen of Virginia. Therefore, the correct answer is option A.  Annotator Remarks: The LLM made a wrong conclusion from incomplete premises. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. In order for federal court to have diversity jurisdiction, all plaintiffs must be citizens of different states from all defendants, as per the Strawbridge Rule. (Correct)  2. Looking at option A, Madison, Jefferson, and Gerry are all citizens of different states from Hamilton and Franklin. Therefore, there is diversity jurisdiction in this case. (Correct)  3. Moving on to option B, Madison is from Virginia, Lafayette is from Maryland, and Washington Corporation is incorporated in Delaware with its principal place of business in Maryland. Since Washington Corporation is a citizen of Delaware and Maryland, there is no diversity between Madison and Washington Corporation. Therefore, the federal court lacks diversity jurisdiction in this case. (Incorrect)(Misinterpretation) - Washington Corporation's principal place of business is Maryland, it can’t be diverse from a Marylander, but it is diverse from Virginians(which is Madison here). Therefore, it is a diversity case. Internal Hallucination but the hallucination is not explicitly mentioned, rather its effect is observed.    4. Lastly, considering option C, Madison is from Virginia and Adams Corporation is incorporated in Delaware with its principal place of business in Virginia. There is no diversity between Madison and Adams Corporation. Therefore, the federal court also lacks diversity jurisdiction in this case. (Correct)  5. Based on the legal reasoning provided, the correct answer is D. The court lacks jurisdiction in choices B and C. (Incorrect)  B is a diversity case. (Wrong Conclusion from False Premise) |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Analyzing Option A\*\*: Madison and Jefferson, both from Virginia, and Gerry from Massachusetts are suing Hamilton from New York and Franklin from Pennsylvania. Here, all plaintiffs are from different states than all defendants. According to the Strawbridge rule, this maintains complete diversity as no plaintiff shares a state with any defendant. (Correct)  2. \*\*Analyzing Option B\*\*: Madison from Virginia sues Lafayette from Maryland, and Washington Corporation, which is incorporated in Delaware and has its principal place of business in Maryland, but also has a large office in Virginia. The presence of a large office does not affect the corporation's state of citizenship for diversity purposes, which is determined by the place of incorporation and the principal place of business. Therefore, Washington Corporation is a citizen of Delaware and Maryland, not Virginia. This maintains complete diversity as Madison does not share a state with any defendant. (Correct)  3. \*\*Analyzing Option C\*\*: Madison from Virginia sues Adams Corporation, which is incorporated in Delaware but has its principal place of business in Virginia. Here, Adams Corporation is considered a citizen of both Delaware and Virginia. Since Madison is also from Virginia, this destroys the complete diversity required under the Strawbridge rule. (Correct)  4. \*\*Analyzing Option D\*\*: This option claims that the court lacks jurisdiction in both options B and C. From the analysis above, it is clear that jurisdiction is only lacking in option C, not in option B. (Correct)  \*\*Final Answer: C. Madison, from Virginia, sues Adams Corporation, incorporated in Delaware with its principal place of business in Virginia.\*\* This option lacks diversity jurisdiction because the plaintiff and one of the defendants (Adams Corporation) are from the same state, Virginia, thus violating the complete diversity requirement. (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. According to the Strawbridge Rule, complete diversity is required for federal court jurisdiction. This means that no plaintiff can be from the same state as any defendant.  2. In option A, Madison and Jefferson are both from Virginia, which is the same state as Hamilton from New York and Franklin from Pennsylvania. This violates the complete diversity requirement.  3. In option B, Madison from Virginia sues Lafayette from Maryland and Washington Corporation, which is incorporated in Delaware and has its principal place of business in Maryland. Although Madison and Lafayette are from different states, Madison and Washington Corporation are not, as the corporation's principal place of business is in Maryland, the same state as Lafayette.  4. In option C, Madison from Virginia sues Adams Corporation, which is incorporated in Delaware and has its principal place of business in Virginia. Madison and Adams Corporation are from the same state, violating the complete diversity requirement.  5. Option D states that the court lacks jurisdiction in choices B and C, which is correct based on the reasoning above.  [Final Answer with the correct option]  D. The court lacks jurisdiction in choices B and C. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning for the given options:  1. Analyzing Option A:  - Madison, Jefferson, and Gerry are the plaintiffs from Virginia and Massachusetts.  - Hamilton and Franklin are the defendants from New York and Pennsylvania.  - Since no plaintiff is from the same state as any defendant, diversity jurisdiction is proper according to the Strawbridge rule.  2. Analyzing Option B:  - Madison is the plaintiff from Virginia.  - Lafayette is a defendant from Maryland.  - Washington Corporation is a defendant incorporated in Delaware with its principal place of business in Maryland.  - Although Washington Corporation has a large office in Virginia, its citizenship is determined by its state of incorporation (Delaware) and its principal place of business (Maryland), not by the location of its offices.  - Since no plaintiff is from the same state as any defendant, diversity jurisdiction is proper according to the Strawbridge rule.  3. Analyzing Option C:  - Madison is the plaintiff from Virginia.  - Adams Corporation is a defendant incorporated in Delaware with its principal place of business in Virginia.  - Since Adams Corporation's principal place of business is in Virginia, which is the same state as the plaintiff Madison, diversity jurisdiction is not proper according to the Strawbridge rule and 28 U.S.C. §1332(c)(1).  4. Analyzing Option D:  - Based on the analysis above, the court only lacks jurisdiction in choice C, not in choice B.  Final Answer: C |

### **22.** Angus and Phillips, from Texas…

| **22.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Congress has provided that a corporation is a citizen of the state in which it is incorporated and the state of its principal place of business. 28 U.S.C. §1332(c)(1). So, to apply the Strawbridge complete diversity rule to corporate parties to a diversity case, courts have to determine where a corporation’s principal place of business is. Corporations conduct their business in many different ways. Most corporations are small, and are incorporated in one state and do all their business in that state. These corporations are citizens of only one state. But large corporations might have extensive activities in many states—think Home Depot, or McDonalds. And some corporations will incorporate in one state, concentrate their manufacturing activities in another, and maintain their headquarters, where the corporation’s high-level decisions are made, in a third. Until 2010, federal courts took several approaches to determining a corporation’s principal place of business under 28 U.S.C. §1332(c)(1). Some held that the state of a corporation’s headquarters is the state of its principal place of business, even if the corporation’s manufacturing or service activities took place elsewhere. Other courts, however, applied a ‘‘daily activities’’ test if a corporation’s productive activities were primarily concentrated in a single state, reasoning that the corporation will be perceived as ‘‘local’’ in that state, since it will have the most contact with the public there. If the productive activities were widely spread among states, these courts would look to the state where the corporation has its headquarters or ‘‘nerve center,’’ since the diffused activities would all be coordinated from that state. All of this is now interesting history, because in 2010 the Supreme Court held, in Hertz Corp. v. Friend, 559 U.S. 77 (2010), that the corporation’s principal place of business for diversity purposes is the state of its headquarters in all cases. After Hertz , a corporation is citizen of the state in which its headquarters are located, even if all of its actual manufacturing or service activities take place elsewhere. The Court emphasized the importance of having a relatively clear rule that will avoid uncertainty and litigation about whether diversity jurisdiction is met in cases involving corporate parties.  Question:  Angus and Phillips, from Texas, bring a breach of contract action against Apex Corporation in the federal district court for the Western District of Texas. Apex is a corporation that manufactures lawnmowers. It is incorporated in Delaware. It assembles the mowers at its plant in El Paso, Texas, which employs five hundred employees. It has another factory in Tennessee, which manufactures handles for the mowers and employs twenty-five employees. Its corporate headquarters occupy a small suite of offices on the twelfth floor of an office building in Tulsa, Oklahoma. Fifteen officers and employees work out of the headquarters office. The court will find that there  Options:  A. is complete diversity and proceed with the case.  B. is not complete diversity because the case is brought in a Texas court, and the plaintiffs are both Texas citizens.  C. is not complete diversity because both plaintiffs are from Texas.  D. is not complete diversity between the plaintiffs and Apex. Under 28 U.S.C. §1332(c)(1) Texas is Apex’s principal place of business, because Texas citizens in El Paso will think of Apex as ‘‘local,’’ while hardly anyone in Oklahoma will know anything about Apex Corporation, which has very low visibility in Oklahoma.  E. is diversity between the plaintiffs and Apex, because Apex is a citizen of Delaware based on its incorporation there.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  The wrong answers in a multiple choice question are called ‘‘distractors.’’ Beguiling choices like B suggest the reason. There is something so plausible about it, isn’t there? The suit is brought in the state where the plaintiffs live, so no diversity? Of course this doesn’t make sense, but it threatens to distract you from the business at hand. To determine diversity, we compare the state citizenship of the plaintiffs and the defendants, not the plaintiffs’ citizenship and the place where the suit is brought. If the parties are from different states, it does not matter that one of the parties is a citizen of the state in which the suit is brought. The case is a proper diversity case, no matter what state the suit is brought in. C should not fool any but the truly unprepared. Under Strawbridge v. Curtiss , you can have a hundred plaintiffs from the same state, as long as no defendant is from that state. So the fact that both plaintiffs are from Texas does not defeat diversity jurisdiction. And you should have rejected E quickly as well. A corporation is a citizen of both its state of incorporation and the state of its principal place of business, so we need to determine that here in order to apply the Strawbridge complete diversity rule. D is beguiling, because it would make a lot of sense for a court to treat Apex as local in the state where its daily productive activity is centered. Many courts did apply this approach before the Supreme Court decided Hertz Corp. v. Friend . But that case is a Supreme Court case; its decisions are the supreme law of the land, and in Hertz the Court held that a corporation’s principal place of business for diversity purposes is in the state where it has its central offices—its headquarters from which it directs corporate operations. Here, that state is Oklahoma, so Apex is a citizen of Oklahoma and of Delaware, and there is complete diversity between it and the Texas plaintiffs. A takes the prize. |
| **Mistral-7B Analysis**  [Explanation:  1. The legal context explains that to determine a corporation's principal place of business for diversity jurisdiction purposes, courts used to apply different tests, such as the state of headquarters or the state of "daily activities."  2. However, in Hertz Corp. v. Friend (2010), the Supreme Court held that a corporation's principal place of business is its state of headquarters in all cases.  3. Based on the provided information, Apex Corporation's headquarters are located in Tulsa, Oklahoma.  4. Therefore, under the current legal rule established by Hertz, Apex Corporation is a citizen of Oklahoma.  [Final Answer:  D. is not diversity between the plaintiffs and Apex.  Explanation:  Since Apex Corporation is a citizen of Oklahoma (its headquarters state), there is no diversity between the plaintiffs (Texas citizens) and Apex Corporation. Therefore, the federal court does not have diversity jurisdiction over this case.  ]  Option A, C, and B are incorrect because they assume diversity jurisdiction exists when it does not based on the information provided. Option D is the correct answer. Option E is incorrect because it assumes that incorporation state is the only factor determining citizenship, but the current rule is that the state of headquarters is the determining factor. |
| **Llama-3-8b-instruct Analysis**  Here is the response:  1. The first step is to identify the corporation's principal place of business. According to the legal context, the Supreme Court in Hertz Corp. v. Friend (2010) held that a corporation's principal place of business for diversity purposes is the state of its headquarters in all cases.  2. The headquarters of Apex Corporation are located in Tulsa, Oklahoma, which is where the corporate officers and employees work.  3. Therefore, under the Hertz Corp. v. Friend ruling, Oklahoma is Apex's principal place of business.  4. Since the plaintiffs, Angus and Phillips, are from Texas, and Apex is a citizen of Oklahoma, there is no complete diversity between the parties.  Final Answer: D. is not complete diversity between the plaintiffs and Apex. Under 28 U.S.C. §1332(c)(1) Texas is Apex’s principal place of business, because Texas citizens in El Paso will think of Apex as ‘‘local,’’ while hardly anyone in Oklahoma will know anything about Apex Corporation, which has very low visibility in Oklahoma. |
| **GPT-3.5-turbo Analysis:**  1. According to the legal context provided, determining a corporation's principal place of business is crucial for establishing diversity jurisdiction in federal courts.  2. The Supreme Court in Hertz Corp. v. Friend (2010) clarified that a corporation's principal place of business is the state where its headquarters are located.  3. In the case of Apex Corporation, even though it manufactures lawnmowers in Texas and has a factory in Tennessee, its corporate headquarters are in Tulsa, Oklahoma.  4. Since the headquarters in Oklahoma serve as the "nerve center" where high-level decisions are made, under the Hertz ruling, Oklahoma is considered the principal place of business for Apex Corporation.  5. Therefore, the court will find that there is not complete diversity between the plaintiffs from Texas and Apex Corporation, as Apex's principal place of business is in Oklahoma.  Final Answer: D. is not complete diversity between the plaintiffs and Apex. Under 28 U.S.C. §1332(c)(1) Texas is Apex’s principal place of business, because Texas citizens in El Paso will think of Apex as ‘‘local,’’ while hardly anyone in Oklahoma will know anything about Apex Corporation, which has very low visibility in Oklahoma. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the Legal Framework\*\*: According to 28 U.S.C. §1332(c)(1), a corporation is considered a citizen of both the state where it is incorporated and the state where its principal place of business is located. The principal place of business is determined by the location of the corporation's headquarters as established by the Supreme Court in Hertz Corp. v. Friend.  2. \*\*Analyzing Apex Corporation's Details\*\*: Apex Corporation is incorporated in Delaware and has its headquarters in Tulsa, Oklahoma. It operates manufacturing facilities in Texas and Tennessee, but the corporate decisions are made from its headquarters in Oklahoma.  3. \*\*Applying the Hertz Decision\*\*: Following the Hertz decision, the principal place of business for Apex Corporation is Oklahoma, where its headquarters are located. This is irrespective of where its manufacturing activities or any other operations occur.  4. \*\*Determining Diversity Jurisdiction\*\*: For diversity jurisdiction to apply, there must be complete diversity between the parties, meaning no plaintiff shares a state of citizenship with any defendant. Here, the plaintiffs, Angus and Phillips, are from Texas. Apex Corporation is considered a citizen of Delaware (state of incorporation) and Oklahoma (principal place of business).  5. \*\*Conclusion on Diversity\*\*: Since neither Delaware nor Oklahoma is Texas, there is complete diversity between the plaintiffs and the defendant, Apex Corporation.  [Final Answer: A. There is complete diversity and the court will proceed with the case.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The case involves a breach of contract action brought by Angus and Phillips, both from Texas, against Apex Corporation in the federal district court for the Western District of Texas.  2. To determine whether the court has diversity jurisdiction, we need to determine the citizenship of Apex Corporation.  3. According to 28 U.S.C. §1332(c)(1), a corporation is a citizen of the state in which it is incorporated and the state of its principal place of business.  4. Apex Corporation is incorporated in Delaware, so it is a citizen of Delaware.  5. To determine Apex's principal place of business, we apply the rule established by the Supreme Court in Hertz Corp. v. Friend, which states that a corporation's principal place of business is the state of its headquarters.  6. Apex's corporate headquarters are located in Tulsa, Oklahoma, so Oklahoma is considered its principal place of business.  7. Therefore, Apex Corporation is a citizen of both Delaware (where it is incorporated) and Oklahoma (where its headquarters are located).  8. Since neither of the plaintiffs is a citizen of Delaware or Oklahoma, there is complete diversity between the parties.  9. The fact that Apex has a large factory in Texas, where the plaintiffs are from, is irrelevant to the determination of its principal place of business under the Hertz rule.  10. The location where the case is brought (Texas) is also irrelevant to the determination of diversity jurisdiction.  [Final Answer]  The correct option is A. |
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| **Human Annotator Analysis of Mistral-7B:**  [Explanation:  1. The legal context explains that to determine a corporation's principal place of business for diversity jurisdiction purposes, courts used to apply different tests, such as the state of headquarters or the state of "daily activities."  (Irrelevant Premise) - Correct but not relevant for this case as these are methods that were used in the past and are not useful for a modern case.  2. However, in Hertz Corp. v. Friend (2010), the Supreme Court held that a corporation's principal place of business is its state of headquarters in all cases. (Correct)  3. Based on the provided information, Apex Corporation's headquarters are located in Tulsa, Oklahoma. (Correct)  4. Therefore, under the current legal rule established by Hertz, Apex Corporation is a citizen of Oklahoma.  (Correct but Incomplete) - Apex Corporation is also a citizen of Delaware due to being incorporated there. This is not mentioned in the legal context for this question, but is mentioned in the Ground Truth explanation: “**A corporation is a citizen of both its state of incorporation and the state of its principal place of business**”  [Final Answer:  D. is not diversity between the plaintiffs and Apex.  (Wrong Conclusion from False Premises). Mistral correctly evaluates that the plaintiffs and defendant are citizens of different states, but concludes that there is no diversity in the case. None of the facts Mistral bases its conclusion on are wrong; Apex Corporation is not a citizen of Texas, the state the plaintiffs are citizens of. This is the only premise needed to correctly answer this question based on the legal context. Mistral is aware of this and states so in its Explanation below, but does not choose the answer it would imply.  Explanation:  Since Apex Corporation is a citizen of Oklahoma (its headquarters state), there is no diversity between the plaintiffs (Texas citizens) and Apex Corporation. Therefore, the federal court does not have diversity jurisdiction over this case.  ]  Option A, C, and B are incorrect because they assume diversity jurisdiction exists when it does not based on the information provided. Option D is the correct answer. Option E is incorrect because it assumes that incorporation state is the only factor determining citizenship, but the current rule is that the state of headquarters is the determining factor. |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here is the response:  1. The first step is to identify the corporation's principal place of business. According to the legal context, the Supreme Court in Hertz Corp. v. Friend (2010) held that a corporation's principal place of business for diversity purposes is the state of its headquarters in all cases.(Correct)  2. The headquarters of Apex Corporation are located in Tulsa, Oklahoma, which is where the corporate officers and employees work.(Incomplete Premise)The LLM did not state that Apex is a citizen of both Oklahoma and Delaware.  3. Therefore, under the Hertz Corp. v. Friend ruling, Oklahoma is Apex's principal place of business.(Correct)  4. Since the plaintiffs, Angus and Phillips, are from Texas, and Apex is a citizen of Oklahoma, there is no complete diversity between the parties.(Wrong conclusion from correct premises)The LLM made a wrong conclusion because it failed to identify that there is complete diversity between Apex and the Texas plaintiffs.  Final Answer: D. is not complete diversity between the plaintiffs and Apex. Under 28 U.S.C. §1332(c)(1) Texas is Apex’s principal place of business, because Texas citizens in El Paso will think of Apex as ‘‘local,’’ while hardly anyone in Oklahoma will know anything about Apex Corporation, which has very low visibility in Oklahoma.  Annotator Remarks:  The LLM failed to get the right answer because it considered Oklahoma and Texas to be next to each other and declared them as the same state which is completely wrong. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. According to the legal context provided, determining a corporation's principal place of business is crucial for establishing diversity jurisdiction in federal courts. (Correct)  2. The Supreme Court in Hertz Corp. v. Friend (2010) clarified that a corporation's principal place of business is the state where its headquarters are located. (Correct)  3. In the case of Apex Corporation, even though it manufactures lawnmowers in Texas and has a factory in Tennessee, its corporate headquarters are in Tulsa, Oklahoma. (Correct)  4. Since the headquarters in Oklahoma serve as the "nerve center" where high-level decisions are made, under the Hertz ruling, Oklahoma is considered the principal place of business for Apex Corporation. (Correct)  5. Therefore, the court will find that there is not complete diversity between the plaintiffs from Texas and Apex Corporation, as Apex's principal place of business is in Oklahoma. (Incorrect)  Wrong Conclusion from Correct Premise: There is complete diversity between Apex and the Texas plaintiffs.  Final Answer: D. is not complete diversity between the plaintiffs and Apex. Under 28 U.S.C. §1332(c)(1) Texas is Apex’s principal place of business, because Texas citizens in El Paso will think of Apex as ‘‘local,’’ while hardly anyone in Oklahoma will know anything about Apex Corporation, which has very low visibility in Oklahoma. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the Legal Framework\*\*: According to 28 U.S.C. §1332(c)(1), a corporation is considered a citizen of both the state where it is incorporated and the state where its principal place of business is located. The principal place of business is determined by the location of the corporation's headquarters as established by the Supreme Court in Hertz Corp. v. Friend. (Correct)  2. \*\*Analyzing Apex Corporation's Details\*\*: Apex Corporation is incorporated in Delaware and has its headquarters in Tulsa, Oklahoma. It operates manufacturing facilities in Texas and Tennessee, but the corporate decisions are made from its headquarters in Oklahoma. (Correct)  3. \*\*Applying the Hertz Decision\*\*: Following the Hertz decision, the principal place of business for Apex Corporation is Oklahoma, where its headquarters are located. This is irrespective of where its manufacturing activities or any other operations occur. (Correct)  4. \*\*Determining Diversity Jurisdiction\*\*: For diversity jurisdiction to apply, there must be complete diversity between the parties, meaning no plaintiff shares a state of citizenship with any defendant. Here, the plaintiffs, Angus and Phillips, are from Texas. Apex Corporation is considered a citizen of Delaware (state of incorporation) and Oklahoma (principal place of business). (Correct)  5. \*\*Conclusion on Diversity\*\*: Since neither Delaware nor Oklahoma is Texas, there is complete diversity between the plaintiffs and the defendant, Apex Corporation. (Correct)  [Final Answer: A. There is complete diversity and the court will proceed with the case.] |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. According to 28 U.S.C. §1332(c)(1), a corporation is a citizen of the state in which it is incorporated and the state of its principal place of business.  2. The Supreme Court in Hertz Corp. v. Friend, 559 U.S. 77 (2010), held that the corporation's principal place of business for diversity purposes is the state of its headquarters in all cases.  3. Apex Corporation is incorporated in Delaware, but its headquarters are located in Tulsa, Oklahoma.  4. The plaintiffs, Angus and Phillips, are both from Texas.  5. The court will find that there is complete diversity between the plaintiffs and Apex because Apex is a citizen of Delaware based on its incorporation there, and the plaintiffs are Texas citizens.  [Final Answer with the correct option]  E. is diversity between the plaintiffs and Apex, because Apex is a citizen of Delaware based on its incorporation there. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The case involves a breach of contract action brought by Angus and Phillips, both from Texas, against Apex Corporation in the federal district court for the Western District of Texas.  2. To determine whether the court has diversity jurisdiction, we need to determine the citizenship of Apex Corporation.  3. According to 28 U.S.C. §1332(c)(1), a corporation is a citizen of the state in which it is incorporated and the state of its principal place of business.  4. Apex Corporation is incorporated in Delaware, so it is a citizen of Delaware.  5. To determine Apex's principal place of business, we apply the rule established by the Supreme Court in Hertz Corp. v. Friend, which states that a corporation's principal place of business is the state of its headquarters.  6. Apex's corporate headquarters are located in Tulsa, Oklahoma, so Oklahoma is considered its principal place of business.  7. Therefore, Apex Corporation is a citizen of both Delaware (where it is incorporated) and Oklahoma (where its headquarters are located).  8. Since neither of the plaintiffs is a citizen of Delaware or Oklahoma, there is complete diversity between the parties.  9. The fact that Apex has a large factory in Texas, where the plaintiffs are from, is irrelevant to the determination of its principal place of business under the Hertz rule.  10. The location where the case is brought (Texas) is also irrelevant to the determination of diversity jurisdiction.  [Final Answer]  The correct option is A. |

### 23. Crandall, a citizen of Missouri, and Rizzouti…

| **23.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Diversity in cases involving foreign citizens Article III, §2 provides that federal courts may hear not only claims between citizens of different states, but also claims between citizens of a state and ‘‘foreign . . . Citizens or Subjects’’ (sometimes called ‘‘aliens’’). So, a case between a citizen of Oregon and a citizen of Spain is within the constitutional grant of federal subject matter jurisdiction in Article III, §2. And, 28 U.S.C. §1332(a)(2) provides statutory authority for the federal district courts to hear such cases. By extrapolation, courts have held that a case between citizens of different states, with an alien added as an additional plaintiff or defendant, is also proper. See 28 U.S.C. §1332(a)(3). However, interpretive questions arise when an alien is domiciled in one of the American states. Suppose, for example, that Frankel, a New Yorker, sues Leduc, a citizen of France living in New York. The courts have held that there is federal jurisdiction over this case, since Leduc, though living in the plaintiff’s state, is a foreign national (an alien). For diversity purposes, a person can’t be a ‘‘citizen’’ of a state unless she is also a citizen of the United States. Since Leduc is a French citizen, he cannot be a citizen of New York, even if he is domiciled there. To be a New York citizen, a person must both be domiciled in New York and a citizen of the United States . The diversity statute has a special provision, however, that changes the result in Leduc’s case if he has been ‘‘admitted for permanent residence in the United States.’’ Section 1332(a)(2) now provides that an alien admitted for permanent residence and domiciled in a state cannot bring a diversity action against a citizen of the state in which she is domiciled. Leduc is thus treated as ‘‘local’’ in his state of domicile if he is here as a permanent resident. However, if Leduc has not been admitted for permanent residence (which apparently equates under immigration law to having a ‘‘green card’’), Frankel could sue him in federal court under §1332(a)(2). Conversely, a person may be a citizen of the United States without being a citizen of any state. If Frankel moves to Gambia and establishes a domicile there, he is still a United States citizen, but he is not a citizen of any American state, since he isn’t domiciled in one. However, he isn’t an alien either, as long as he remains an American citizen. So the diversity jurisdiction doesn’t apply. This problem arose in Twentieth Century-Fox Film Corp. v. Taylor , 239 F. Supp. 913 (D.C.N.Y. 1965). Twentieth Century Fox sued Elizabeth Taylor for her shenanigans during filming of the movie ‘‘Cleopatra.’’ Although Taylor was an American citizen, she was living—indefinitely—in England. Consequently, she was not domiciled in any state and could not be sued in federal court based on diversity. She wasn’t an alien, since she had not renounced her American citizenship. Nor was she a citizen of any American state, since she was domiciled in Great Britain.  Question:  Crandall, a citizen of Missouri, and Rizzouti, a citizen of Iowa, sue Janssen, a citizen of Vermont; Gompers, an American citizen who lived all his life in Florida but recently moved to Great Britain and plans to remain indefinitely; and Toussaint, a Frenchwoman who has moved to Iowa to take a one-year visiting professorship at the University of Iowa, hoping to get tenure there and stay. The suit is brought in federal court based on diversity jurisdiction. (Assume that Toussaint has not been admitted to the United States for ‘‘permanent residence.’’)  Options:  A. There is no jurisdiction over the action because Toussaint is a citizen of Iowa.  B. There is no jurisdiction if Gompers remains in the case, but the action could proceed between the plaintiffs Crandall and Rizzouti and defendants Toussaint and Janssen.  C. There is no jurisdiction over the claims against Toussaint, because she is an alien domiciled in Iowa.  D. There is jurisdiction over the entire action.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  This question should help to sort out the complexities of applying diversity to cases involving American citizens and aliens. The crux of the problem is the point made above: To be a ‘‘citizen’’ for diversity purposes, you must be both a citizen of the United States and domiciled in a state. Here, Toussaint, while domiciled in Iowa, is not a citizen of Iowa, because she isn’t an American citizen. She’s a French national, and therefore, under Article III, §2, she is an alien (‘‘a citizen or subject of a foreign country’’). (The exception in §1332(a)(2) does not apply, because Toussaint has not been admitted for permanent residence.) So A is wrong. C is wrong, too. Article III authorizes suits between citizens of a state (or, as here, of several states) and aliens. It is irrelevant that Toussaint is domiciled in Iowa; she remains a Frenchwoman until she becomes an American citizen (or is admitted for permanent residence, under §1332(a)(2)). And D is wrong, because Gompers is not a citizen of any state. Remember that, to be a citizen of a state you must be both an American citizen and domiciled in a state. Gompers is an American citizen, but he isn’t domiciled in any state, since he is living in Great Britain with the intent to remain there indefinitely. The claim against him would have to be dropped for lack of subject matter jurisdiction. Consequently, go with B. |
| **Mistral-7B Analysis**  [1] The legal context provides that federal courts have jurisdiction over cases between citizens of different states and foreign citizens or subjects under Article III, §2 and 28 U.S.C. §1332(a)(2).  [2] In this case, Crandall is a citizen of Missouri, Rizzouti is a citizen of Iowa, and Janssen is a citizen of Vermont. Toussaint is a Frenchwoman who has moved to Iowa for a one-year visiting professorship. Gompers is an American citizen who has moved to Great Britain and plans to remain indefinitely.  [3] The question asks about jurisdiction in a federal court based on diversity.  [4] To determine jurisdiction, we need to apply the rules regarding citizenship and diversity jurisdiction as explained in the legal context.  [5] Toussaint is a foreign national (an alien) because she is a French citizen. However, the legal context states that an alien domiciled in a state cannot bring a diversity action against a citizen of the state in which she is domiciled if she has been admitted for permanent residence. Since the question states that Toussaint has not been admitted for permanent residence, she is treated as an alien for diversity purposes.  [6] Therefore, the jurisdiction over the claims against Toussaint is not established based on diversity jurisdiction.  [7] The remaining parties, Crandall, Rizzouti, and Janssen, are all citizens of different states.  [8] According to the legal context, a case between citizens of different states is within the constitutional grant of federal subject matter jurisdiction in Article III, §2 and has statutory authority under 28 U.S.C. §1332(a)(2).  [9] Since all the remaining parties are citizens of different states, the entire action is within the jurisdiction of the federal court based on diversity.  [Final Answer]  D. There is jurisdiction over the entire action. |
| **Llama-3-8b-instruct Analysis**  Here is the response:  1. First, we need to determine whether the court has jurisdiction over the action. To do this, we need to examine the citizenship of each party involved in the lawsuit.  2. Crandall and Rizzouti are citizens of Missouri and Iowa, respectively, and are suing Janssen, a citizen of Vermont. This means that there is diversity between the parties, and the court has jurisdiction over the action.  3. Toussaint, a Frenchwoman, is a citizen of France and has moved to Iowa to take a one-year visiting professorship at the University of Iowa. Since she has not been admitted to the United States for permanent residence, she is an alien and not a citizen of Iowa.  4. Gompers, an American citizen, has moved to Great Britain and plans to remain indefinitely. Although he is an American citizen, he is not a citizen of any American state, since he is domiciled in Great Britain.  5. Based on the above analysis, the court has jurisdiction over the claims against Janssen, a citizen of Vermont, and Toussaint, an alien. However, the court does not have jurisdiction over the claims against Gompers, since he is not a citizen of any American state.  Final Answer: D. There is jurisdiction over the entire action. |
| **GPT-3.5-turbo Analysis:**  1. Crandall is a citizen of Missouri, Rizzouti is a citizen of Iowa, Janssen is a citizen of Vermont, Gompers is an American citizen domiciled in Great Britain, and Toussaint is a Frenchwoman domiciled in Iowa.  2. According to the legal context provided, for diversity jurisdiction to apply, there must be complete diversity between the parties, meaning no plaintiff can be a citizen of the same state as any defendant.  3. In this case, Crandall is from Missouri, Rizzouti is from Iowa, Janssen is from Vermont, Gompers is domiciled in Great Britain, and Toussaint is domiciled in Iowa. There is no overlap in citizenship between the parties.  4. Gompers, although an American citizen, is domiciled in Great Britain, not in any American state. Therefore, he does not affect the diversity jurisdiction.  5. Toussaint, being a Frenchwoman domiciled in Iowa, is considered an alien for diversity purposes, as she is not a citizen of the United States.  6. Since there is complete diversity between the parties and Toussaint is considered an alien for diversity purposes, there is jurisdiction over the entire action.  7. Therefore, the correct option is: D. There is jurisdiction over the entire action. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding Diversity Jurisdiction\*\*: According to Article III, §2 of the U.S. Constitution and 28 U.S.C. §1332(a)(2), federal courts have jurisdiction over cases involving citizens of different states or a citizen of a state and foreign citizens. The key requirement is diversity of citizenship among the parties.  2. \*\*Analyzing the Citizenship of Parties\*\*:  - \*\*Crandall\*\*: Citizen of Missouri.  - \*\*Rizzouti\*\*: Citizen of Iowa.  - \*\*Janssen\*\*: Citizen of Vermont.  - \*\*Gompers\*\*: American citizen domiciled in Great Britain, planning to remain indefinitely. As per the precedent set in Twentieth Century-Fox Film Corp. v. Taylor, Gompers is not considered a citizen of any U.S. state due to his domicile in Great Britain.  - \*\*Toussaint\*\*: French citizen temporarily in Iowa for a visiting professorship, not admitted for permanent residence.  3. \*\*Jurisdiction Analysis\*\*:  - \*\*Between Crandall, Rizzouti, and Janssen\*\*: There is clear diversity as they are citizens of different states.  - \*\*Regarding Gompers\*\*: Although an American citizen, he is domiciled abroad and not considered a citizen of any state, thus maintaining diversity.  - \*\*Regarding Toussaint\*\*: As a French citizen temporarily in Iowa and not admitted for permanent residence, she is considered an alien. Her presence does not disrupt diversity jurisdiction as she is not a citizen of any state.  4. \*\*Conclusion on Jurisdiction\*\*: The presence of Gompers and Toussaint does not eliminate diversity jurisdiction. Gompers, though an American, is domiciled abroad and not a citizen of any state, similar to the Taylor case. Toussaint, being a French citizen temporarily in Iowa and not a permanent resident, is treated as an alien, maintaining the requirement for diversity.  [Final Answer: D. There is jurisdiction over the entire action.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. \*\*Diversity Jurisdiction Basics\*\*: Diversity jurisdiction under Article III, §2 and 28 U.S.C. §1332 allows federal courts to hear cases between citizens of different states, as well as between citizens of a state and foreign citizens or subjects (aliens).  2. \*\*Citizenship of the Parties\*\*:  - Crandall is a citizen of Missouri.  - Rizzouti is a citizen of Iowa.  - Janssen is a citizen of Vermont.  - Gompers is an American citizen but is domiciled in Great Britain, making him not a citizen of any state for diversity purposes.  - Toussaint is a French citizen (alien) who has moved to Iowa but has not been admitted for permanent residence.  3. \*\*Gompers' Status\*\*: Since Gompers is an American citizen but not a citizen of any state (due to his domicile in Great Britain), he cannot be considered for diversity purposes as a citizen of any state. His presence in the case does not contribute to diversity jurisdiction based on state citizenship, but his American citizenship means he is not an alien.  4. \*\*Toussaint's Status\*\*: As a French citizen who has not been admitted for permanent residence, Toussaint is considered an alien. Her domicile in Iowa does not make her a citizen of Iowa for diversity purposes because she is not a U.S. citizen.  5. \*\*Diversity Jurisdiction Analysis\*\*:  - There is diversity between Crandall (Missouri), Rizzouti (Iowa), and Janssen (Vermont) because they are citizens of different states.  - The addition of Toussaint, an alien not admitted for permanent residence, does not negate diversity jurisdiction. In fact, her presence as an alien adds to the diversity, as there is jurisdiction between citizens of a state and aliens under 28 U.S.C. §1332(a)(2).  - Gompers' presence in the case does not contribute to state-based diversity, but as an American citizen living abroad, he doesn't negate the existing diversity either.  6. \*\*Conclusion\*\*: Given the diversity between the state citizens (Crandall, Rizzouti, and Janssen) and the presence of an alien not admitted for permanent residence (Toussaint), along with Gompers' unique status not affecting the diversity, there is jurisdiction over the entire action.  \*\*Final Answer: D.\*\* |
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| **Human Annotator Analysis of Mistral-7B:**  [1] The legal context provides that federal courts have jurisdiction over cases between citizens of different states and foreign citizens or subjects under Article III, §2 and 28 U.S.C. §1332(a)(2). (Correct)  [2] In this case, Crandall is a citizen of Missouri, Rizzouti is a citizen of Iowa, and Janssen is a citizen of Vermont. Toussaint is a Frenchwoman who has moved to Iowa for a one-year visiting professorship. Gompers is an American citizen who has moved to Great Britain and plans to remain indefinitely. (Correct)  [3] The question asks about jurisdiction in a federal court based on diversity. (Correct)  [4] To determine jurisdiction, we need to apply the rules regarding citizenship and diversity jurisdiction as explained in the legal context. (Correct)  [5] Toussaint is a foreign national (an alien) because she is a French citizen. However, the legal context states that an alien domiciled in a state cannot bring a diversity action against a citizen of the state in which she is domiciled if she has been admitted for permanent residence. Since the question states that Toussaint has not been admitted for permanent residence, she is treated as an alien for diversity purposes. (Correct)  [6] Therefore, the jurisdiction over the claims against Toussaint is not established based on diversity jurisdiction.  (Misinterpretation) - Mistral has correctly established that Toussaint is a foreign national but then claims that diversity jurisdiction does not apply to the case against her, contradicting the legal context which states “**that federal courts may hear not only claims between citizens of different states, but also claims between citizens of a state and ‘foreign . . . Citizens or Subjects’**” This incorrect conclusion appears to be ignored later.  [7] The remaining parties, Crandall, Rizzouti, and Janssen, are all citizens of different states.  (Misinterpretation) -- This analysis is incomplete, as Gompers is not a citizen of a state but is a citizen of the US. Mistral ignores the presence of Gompers in the case. (Cherry Picking)  [8] According to the legal context, a case between citizens of different states is within the constitutional grant of federal subject matter jurisdiction in Article III, §2 and has statutory authority under 28 U.S.C. §1332(a)(2). (Correct)  [9] Since all the remaining parties are citizens of different states, the entire action is within the jurisdiction of the federal court based on diversity.  (Wrong Conclusion from False premises) - Mistral forgets about Gompers, whose presence does interrupt diversity as he is not domiciled in a state but is a citizen of the US.  [Final Answer]  D. There is jurisdiction over the entire action. |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here is the response:  1. First, we need to determine whether the court has jurisdiction over the action. To do this, we need to examine the citizenship of each party involved in the lawsuit.(Correct)  2. Crandall and Rizzouti are citizens of Missouri and Iowa, respectively, and are suing Janssen, a citizen of Vermont. This means that there is diversity between the parties, and the court has jurisdiction over the action.(Correct)  3. Toussaint, a Frenchwoman, is a citizen of France and has moved to Iowa to take a one-year visiting professorship at the University of Iowa. Since she has not been admitted to the United States for permanent residence, she is an alien and not a citizen of Iowa.(Correct)  4. Gompers, an American citizen, has moved to Great Britain and plans to remain indefinitely. Although he is an American citizen, he is not a citizen of any American state, since he is domiciled in Great Britain.(Correct)  5. Based on the above analysis, the court has jurisdiction over the claims against Janssen, a citizen of Vermont, and Toussaint, an alien. However, the court does not have jurisdiction over the claims against Gompers, since he is not a citizen of any American state.(Correct)  Final Answer: D. There is jurisdiction over the entire action.(Wrong conclusion from right premises) The LLM identified the correct conclusion regarding the situation, however it failed to identify the option that corresponded to the conclusion it made.  Annotator Remarks:  The LLM ignored choice B even though the conclusion it made in point 5 was identical to option B. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. Crandall is a citizen of Missouri, Rizzouti is a citizen of Iowa, Janssen is a citizen of Vermont, Gompers is an American citizen domiciled in Great Britain, and Toussaint is a Frenchwoman domiciled in Iowa. (Correct)  2. According to the legal context provided, for diversity jurisdiction to apply, there must be complete diversity between the parties, meaning no plaintiff can be a citizen of the same state as any defendant. (Correct)  3. In this case, Crandall is from Missouri, Rizzouti is from Iowa, Janssen is from Vermont, Gompers is domiciled in Great Britain, and Toussaint is domiciled in Iowa. There is no overlap in citizenship between the parties. (Correct)  4. Gompers, although an American citizen, is domiciled in Great Britain, not in any American state. Therefore, he does not affect the diversity jurisdiction. (Correct)  5. Toussaint, being a Frenchwoman domiciled in Iowa, is considered an alien for diversity purposes, as she is not a citizen of the United States. (Correct)  6. Since there is complete diversity between the parties and Toussaint is considered an alien for diversity purposes, there is jurisdiction over the entire action. (Incorrect)  Wrong conclusion from right premises:The court does not have jurisdiction over Gompers since he is not a citizen of any American state. This conclusion was reached in [4] but not taken into account.  7. Therefore, the correct option is: D. There is jurisdiction over the entire action. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding Diversity Jurisdiction\*\*: According to Article III, §2 of the U.S. Constitution and 28 U.S.C. §1332(a)(2), federal courts have jurisdiction over cases involving citizens of different states or a citizen of a state and foreign citizens. The key requirement is diversity of citizenship among the parties. (Correct)  2. \*\*Analyzing the Citizenship of Parties\*\*:  - \*\*Crandall\*\*: Citizen of Missouri. (Correct)  - \*\*Rizzouti\*\*: Citizen of Iowa.(Correct)  - \*\*Janssen\*\*: Citizen of Vermont. (Correct)  - \*\*Gompers\*\*: American citizen domiciled in Great Britain, planning to remain indefinitely. As per the precedent set in Twentieth Century-Fox Film Corp. v. Taylor, Gompers is not considered a citizen of any U.S. state due to his domicile in Great Britain. (Correct)  - \*\*Toussaint\*\*: French citizen temporarily in Iowa for a visiting professorship, not admitted for permanent residence. (Correct)  3. \*\*Jurisdiction Analysis\*\*:  - \*\*Between Crandall, Rizzouti, and Janssen\*\*: There is clear diversity as they are citizens of different states. (Correct)  - \*\*Regarding Gompers\*\*: Although an American citizen, he is domiciled abroad and not considered a citizen of any state, thus maintaining diversity. (Misinterpretation) - To be a citizen for diversity purpose, one must be both US citizen and domiciled in a US state to qualify for federal jurisdiction under diversity. Here, Gompers does not satisfy that and hence does not qualify for diversity based jurisdiction.  - \*\*Regarding Toussaint\*\*: As a French citizen temporarily in Iowa and not admitted for permanent residence, she is considered an alien. Her presence does not disrupt diversity jurisdiction as she is not a citizen of any state.(Cherry Picking) - The LLM fails to properly cite ‘**U.S.C. §1332(a)(2) provides statutory authority for the federal district courts to hear such cases. By extrapolation, courts have held that a case between citizens of different states, with an alien added as an additional plaintiff or defendant, is also proper**.’ as the actual reason for Toussaint being eligible for federal jurisdiction.  4. \*\*Conclusion on Jurisdiction\*\*: The presence of Gompers and Toussaint does not eliminate diversity jurisdiction. Gompers, though an American, is domiciled abroad and not a citizen of any state, similar to the Taylor case. Toussaint, being a French citizen temporarily in Iowa and not a permanent resident, is treated as an alien, maintaining the requirement for diversity.  (Wrong Conclusion from False Premises)  [Final Answer: D. There is jurisdiction over the entire action.] |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. According to Article III, §2, federal courts may hear claims between citizens of different states and between citizens of a state and foreign citizens or subjects.  2. 28 U.S.C. §1332(a)(2) provides statutory authority for federal district courts to hear such cases.  3. A case between citizens of different states, with an alien added as an additional plaintiff or defendant, is also proper under 28 U.S.C. §1332(a)(3).  4. However, an alien domiciled in one of the American states cannot bring a diversity action against a citizen of the state in which they are domiciled if they have been "admitted for permanent residence in the United States."  5. In the case of Gompers, he is an American citizen who recently moved to Great Britain and plans to remain indefinitely. He is not domiciled in any state, and thus, he is not considered an alien for diversity jurisdiction purposes.  6. Toussaint, a Frenchwoman, has moved to Iowa for a one-year visiting professorship and is not domiciled in any state. She is considered an alien for diversity jurisdiction purposes.  7. Crandall and Rizzouti are citizens of Missouri and Iowa, respectively, and Janssen is a citizen of Vermont.  Based on the above legal reasoning, the correct option is:  [Final Answer with the correct option]  B. There is no jurisdiction if Gompers remains in the case, but the action could proceed between the plaintiffs Crandall and Rizzouti and defendants Toussaint and Janssen. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. \*\*Diversity Jurisdiction Basics\*\*: Diversity jurisdiction under Article III, §2 and 28 U.S.C. §1332 allows federal courts to hear cases between citizens of different states, as well as between citizens of a state and foreign citizens or subjects (aliens).  2. \*\*Citizenship of the Parties\*\*:  - Crandall is a citizen of Missouri.  - Rizzouti is a citizen of Iowa.  - Janssen is a citizen of Vermont.  - Gompers is an American citizen but is domiciled in Great Britain, making him not a citizen of any state for diversity purposes.  - Toussaint is a French citizen (alien) who has moved to Iowa but has not been admitted for permanent residence.  3. \*\*Gompers' Status\*\*: Since Gompers is an American citizen but not a citizen of any state (due to his domicile in Great Britain), he cannot be considered for diversity purposes as a citizen of any state. His presence in the case does not contribute to diversity jurisdiction based on state citizenship, but his American citizenship means he is not an alien.  4. \*\*Toussaint's Status\*\*: As a French citizen who has not been admitted for permanent residence, Toussaint is considered an alien. Her domicile in Iowa does not make her a citizen of Iowa for diversity purposes because she is not a U.S. citizen.  5. \*\*Diversity Jurisdiction Analysis\*\*:  - There is diversity between Crandall (Missouri), Rizzouti (Iowa), and Janssen (Vermont) because they are citizens of different states.  - The addition of Toussaint, an alien not admitted for permanent residence, does not negate diversity jurisdiction. In fact, her presence as an alien adds to the diversity, as there is jurisdiction between citizens of a state and aliens under 28 U.S.C. §1332(a)(2).  - Gompers' presence in the case does not contribute to state-based diversity, but as an American citizen living abroad, he doesn't negate the existing diversity either.  6. \*\*Conclusion\*\*: Given the diversity between the state citizens (Crandall, Rizzouti, and Janssen) and the presence of an alien not admitted for permanent residence (Toussaint), along with Gompers' unique status not affecting the diversity, there is jurisdiction over the entire action.  \*\*Final Answer: D.\*\* |

### 24. Congressperson Smith introduces a bill…

| **24.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The relation between statutory diversity jurisdiction and the constitutional grant Article III, §2 of the Constitution creates diversity jurisdiction in very general terms. It does not expressly state whether there must be ‘‘complete diversity,’’ or whether diversity might be satisfied if some plaintiffs are diverse from some defendants. Strawbridge v. Curtiss, of course, held that all defendants must be diverse from all plaintiffs, but for many years it was unclear whether Strawbridge interpreted Article III or interpreted the statute by which Congress conveys diversity jurisdiction to the lower federal courts. If Strawbridge interpreted the language ‘‘citizens of different states’’ in Article III, the complete diversity rule would be constitutionally required, and could not be changed . . . unless the Court overruled Strawbridge or the Constitution were amended. In State Farm Fire & Casualty Co. v. Tashire, 386 U.S. 523 (1967), the Supreme Court held that Strawbridge interpreted the diversity statute, not Article III. It further held that, for Article III purposes, a case is ‘‘between citizens of different states’’ so long as at least one plaintiff is diverse from one defendant. Consequently, it is now clear that diversity jurisdiction exists under Article III as long as there is ‘‘minimal diversity,’’ that is, as long as some plaintiff is diverse from some defendant. However, Strawbridge, which interprets the diversity statute, 28 U.S.C. §1332(a), to require complete diversity, has never been overruled. 1 Nor has Congress amended §1332(a) to allow diversity jurisdiction based on minimal diversity. But it could be changed by Congress. Recall that the jurisdiction allowed under the Constitution is not self-executing. The lower federal courts derive their jurisdiction from Congress. Congress may authorize jurisdiction over all cases described in Article III, or it may authorize the federal district courts to hear only some subset of those cases. The following example illustrates the relationship between the scope of diversity jurisdiction permissible under Article III and the Congressional grant of diversity jurisdiction to the federal district courts.  Question:  Congressperson Smith introduces a bill that would provide for diversity jurisdiction ‘‘so long as at least one plaintiff in the case is a citizen of a different state from one defendant.’’  Options:  A. Smith’s bill would be constitutional, since Congress may expand or restrict the jurisdiction of the federal district courts as it sees fit.  B. Smith’s bill would be unconstitutional, since it allows jurisdiction over cases that do not satisfy the complete diversity rule of Strawbridge v. Curtiss.  C. Smith’s bill would be constitutional, because the scope of diversity jurisdiction in Article III includes minimal diversity cases.  D. Smith’s bill would be unconstitutional, since Article III, §2 alone determines which cases the federal district courts may hear.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  It’s crucial to understand why D is wrong. Article III of the Constitution doesn’t create federal district courts, and doesn’t directly bestow any jurisdiction on them. Section 1 of Article III authorizes Congress to create lower federal courts if it chooses to. This power to create lower federal courts (or not to) carries with it the implied authority to create them, but to authorize them to hear only some of the cases listed in Article III, §2. See Kline v. Burke Constr. Inc., 260 U.S. 226, 233-234 (1922). In other words, Article III, §2 defines the universe of cases that federal courts may potentially hear, but Congress creates the lower federal courts and can give them as much or as little of the Article III jurisdiction as it chooses to. It need not—and never has—bestowed all of the constitutionally permissible jurisdiction on the lower federal courts. So D is wrong because Article III does not directly grant jurisdiction to the federal district courts; Congress does. A is wrong too, because Congress cannot give the lower federal courts any jurisdiction it wants. It may only grant jurisdiction over cases within the categories listed in Article III, §2, which defines the outer limits of the federal judicial power. And B is also wrong, because Strawbridge, we now know (from the Tashire decision), interpreted the federal diversity statute, not Article III, §2. Since it is the statute, §1332(a) (as interpreted by Strawbridge ), that requires complete diversity, Congress could change it. Ironically, of course, it was really Chief Justice Marshall who established the complete diversity requirement, in Strawbridge. But he interpreted the diversity statute to require complete diversity, not the Constitution, and the statute may be changed by Congress. So don’t blame Marshall alone for the rule; Congress hasn’t changed it in two hundred years. Thus, C is right. Smith’s bill would authorize jurisdiction based on ‘‘minimal diversity.’’ Tashire holds that ‘‘minimal diversity’’ cases are proper diversity cases, within the meaning of Article III, §2, so Congress could authorize federal district courts to hear them. |
| **Mistral-7B Analysis**  [1] The text indicates that the jurisdiction allowed under the Constitution is not self-executing and that the lower federal courts derive their jurisdiction from Congress.  [2] Congress may authorize jurisdiction over all cases described in Article III or only a subset of those cases.  [3] Smith's bill proposes to provide for diversity jurisdiction when at least one plaintiff is a citizen of a different state from one defendant.  [4] This requirement of minimal diversity is consistent with the current understanding of diversity jurisdiction under Article III, as established in State Farm Fire & Casualty Co. v. Tashire.  [5] Therefore, Smith's bill would be constitutional because it falls within the scope of diversity jurisdiction permissible under Article III and is in line with the current interpretation of the diversity statute.  [Final Answer: C. Smith’s bill would be constitutional, because the scope of diversity jurisdiction in Article III includes minimal diversity cases.] |
| **Llama-3-8b-instruct Analysis**  Here is the response:  1. The legal context provided explains that Article III, §2 of the Constitution creates diversity jurisdiction in general terms, but does not explicitly state whether there must be complete diversity or if diversity can be satisfied with some plaintiffs being diverse from some defendants. The case of Strawbridge v. Curtiss held that all defendants must be diverse from all plaintiffs, but it is unclear whether this interpretation is based on Article III or the statute that conveys diversity jurisdiction to the lower federal courts.  2. The Supreme Court in State Farm Fire & Casualty Co. v. Tashire held that Strawbridge interpreted the diversity statute, not Article III, and that for Article III purposes, a case is "between citizens of different states" as long as at least one plaintiff is diverse from one defendant. This means that diversity jurisdiction exists under Article III as long as there is "minimal diversity," that is, as long as some plaintiff is diverse from some defendant.  3. However, Strawbridge, which interprets the diversity statute, has never been overruled, and Congress has not amended the statute to allow diversity jurisdiction based on minimal diversity. This means that the complete diversity rule of Strawbridge is still in effect.  4. The question asks whether Congressperson Smith's bill, which would provide for diversity jurisdiction "so long as at least one plaintiff in the case is a citizen of a different state from one defendant," would be constitutional.  5. Based on the legal reasoning above, it is clear that the bill would be unconstitutional. The complete diversity rule of Strawbridge has not been overruled, and Congress has not amended the statute to allow diversity jurisdiction based on minimal diversity. Therefore, the bill would be expanding the jurisdiction of the federal district courts beyond what is permitted by the Constitution.  Final Answer: B. Smith's bill would be unconstitutional, since it allows jurisdiction over cases that do not satisfy the complete diversity rule of Strawbridge v. Curtiss. |
| **GPT-3.5-turbo Analysis:**  1. The legal context provided explains that the complete diversity rule, as established in Strawbridge v. Curtiss, is a statutory requirement under 28 U.S.C. §1332(a) and not a constitutional requirement under Article III.  2. The Supreme Court in State Farm Fire & Casualty Co. v. Tashire clarified that for Article III purposes, minimal diversity is sufficient for diversity jurisdiction.  3. Since Congress has the authority to expand or restrict the jurisdiction of the federal district courts, Congressperson Smith's bill would be constitutional if it allows jurisdiction based on minimal diversity.  Therefore,  [Final Answer: A. Smith’s bill would be constitutional, since Congress may expand or restrict the jurisdiction of the federal district courts as it sees fit.] |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding Article III, §2 of the Constitution\*\*: Article III, §2 of the U.S. Constitution establishes the judicial power of the federal courts but does not explicitly define the extent of diversity jurisdiction. It does not specify whether complete diversity is required.  2. \*\*Interpretation by Supreme Court in State Farm Fire & Casualty Co. v. Tashire\*\*: This case clarified that the complete diversity rule established in Strawbridge v. Curtiss was an interpretation of the statutory law (28 U.S.C. §1332(a)), not a constitutional requirement. The Supreme Court held that for Article III purposes, diversity jurisdiction can exist as long as there is minimal diversity, meaning at least one plaintiff is diverse from one defendant.  3. \*\*Role of Congress in Defining Jurisdiction\*\*: Congress has the authority to define the jurisdiction of the federal courts within the bounds set by the Constitution. Since the Constitution allows for minimal diversity, Congress can legislate to either restrict or expand the federal courts' jurisdiction to include cases with minimal diversity.  4. \*\*Smith’s Amendment\*\*: The bill introduced by Congressperson Smith proposes to allow federal jurisdiction in cases where there is minimal diversity, i.e., at least one plaintiff is diverse from one defendant. This aligns with the constitutional interpretation provided by the Supreme Court in State Farm Fire & Casualty Co. v. Tashire.  5. \*\*Constitutionality of Smith’s Bill\*\*: Given that the Supreme Court has interpreted Article III to allow minimal diversity and that Congress has the power to legislate the scope of federal jurisdiction within constitutional limits, Smith’s bill would be constitutional as it is consistent with both the Supreme Court’s interpretation and Congress’s legislative authority.  \*\*Final Answer: C. Smith’s bill would be constitutional, because the scope of diversity jurisdiction in Article III includes minimal diversity cases.\*\* |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The question revolves around whether Congressperson Smith's bill, which proposes to allow diversity jurisdiction as long as at least one plaintiff is a citizen of a different state from one defendant, would be constitutional.  2. The key to answering this question lies in understanding the relationship between statutory diversity jurisdiction and the constitutional grant of Article III, §2 of the Constitution.  3. As per the given context, Article III, §2 creates diversity jurisdiction in general terms but does not explicitly state whether complete diversity is required or if minimal diversity is sufficient.  4. The case of Strawbridge v. Curtiss established the complete diversity rule, but it was later clarified in State Farm Fire & Casualty Co. v. Tashire that this rule was an interpretation of the diversity statute (28 U.S.C. §1332(a)), not Article III.  5. The Supreme Court in State Farm Fire & Casualty Co. v. Tashire further held that for Article III purposes, a case is "between citizens of different states" as long as at least one plaintiff is diverse from one defendant, thereby allowing for minimal diversity under the Constitution.  6. Since the jurisdiction allowed under the Constitution is not self-executing, Congress has the authority to authorize jurisdiction over all cases described in Article III or only some subset of those cases.  7. Given this understanding, Congressperson Smith's bill, which proposes to allow diversity jurisdiction based on minimal diversity, aligns with the constitutional scope of diversity jurisdiction as interpreted by the Supreme Court in State Farm Fire & Casualty Co. v. Tashire.  8. Therefore, the bill would be constitutional because it falls within the scope of diversity jurisdiction permissible under Article III, and Congress has the authority to expand or restrict the jurisdiction of the federal district courts as it sees fit.  Final Answer: A |
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| **Human Annotator Analysis of Mistral-7B:**  [1] The text indicates that the jurisdiction allowed under the Constitution is not self-executing and that the lower federal courts derive their jurisdiction from Congress. (Correct)  [2] Congress may authorize jurisdiction over all cases described in Article III or only a subset of those cases. (Correct)  [3] Smith's bill proposes to provide for diversity jurisdiction when at least one plaintiff is a citizen of a different state from one defendant. (Correct)  [4] This requirement of minimal diversity is consistent with the current understanding of diversity jurisdiction under Article III, as established in State Farm Fire & Casualty Co. v. Tashire. (Correct)  [5] Therefore, Smith's bill would be constitutional because it falls within the scope of diversity jurisdiction permissible under Article III and is in line with the current interpretation of the diversity statute. (Correct)  [Final Answer: C. Smith’s bill would be constitutional, because the scope of diversity jurisdiction in Article III includes minimal diversity cases.] |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here is the response:  1. The legal context provided explains that Article III, §2 of the Constitution creates diversity jurisdiction in general terms, but does not explicitly state whether there must be complete diversity or if diversity can be satisfied with some plaintiffs being diverse from some defendants. The case of Strawbridge v. Curtiss held that all defendants must be diverse from all plaintiffs, but it is unclear whether this interpretation is based on Article III or the statute that conveys diversity jurisdiction to the lower federal courts.(Cherry Picking) The LLM fails to recognize that Strawbridge interpreted the federal diversity statute, not Article III, §2.  2. The Supreme Court in State Farm Fire & Casualty Co. v. Tashire held that Strawbridge interpreted the diversity statute, not Article III, and that for Article III purposes, a case is "between citizens of different states" as long as at least one plaintiff is diverse from one defendant. This means that diversity jurisdiction exists under Article III as long as there is "minimal diversity," that is, as long as some plaintiff is diverse from some defendant.(Correct)  3. However, Strawbridge, which interprets the diversity statute, has never been overruled, and Congress has not amended the statute to allow diversity jurisdiction based on minimal diversity. This means that the complete diversity rule of Strawbridge is still in effect.(Misinterpretation) The LLM misinterprets the situation as it ignores that the case requires complete diversity, but the Congress could change it and also the fact that it is entirely under federal diversity statute and not Article III, §2.  4. The question asks whether Congressperson Smith's bill, which would provide for diversity jurisdiction "so long as at least one plaintiff in the case is a citizen of a different state from one defendant," would be constitutional.(Correct)  5. Based on the legal reasoning above, it is clear that the bill would be unconstitutional. The complete diversity rule of Strawbridge has not been overruled, and Congress has not amended the statute to allow diversity jurisdiction based on minimal diversity. Therefore, the bill would be expanding the jurisdiction of the federal district courts beyond what is permitted by the Constitution.(Wrong Conclusion from Incomplete Premises) The LLM marked the bill as unconstitutional because it failed to identify that the statute can be changed by the Congress and Marshall interpreted the diversity statute to require complete diversity, not the Constitution.  Final Answer: B. Smith's bill would be unconstitutional, since it allows jurisdiction over cases that do not satisfy the complete diversity rule of Strawbridge v. Curtiss.  Annotator Remarks:  The LLM was bound to make the wrong conclusion as it missed various crucial details regarding the case. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The legal context provided explains that the complete diversity rule, as established in Strawbridge v. Curtiss, is a statutory requirement under 28 U.S.C. §1332(a) and not a constitutional requirement under Article III. (Correct)  2. The Supreme Court in State Farm Fire & Casualty Co. v. Tashire clarified that for Article III purposes, minimal diversity is sufficient for diversity jurisdiction. (Correct)  3. Since Congress has the authority to expand or restrict the jurisdiction of the federal district courts, Congressperson Smith's bill would be constitutional if it allows jurisdiction based on minimal diversity. (Correct)  Therefore,  [Final Answer: A. Smith’s bill would be constitutional, since Congress may expand or restrict the jurisdiction of the federal district courts as it sees fit.] (Incorrect) (Wrong Conclusion from Correct Premises)  The Supreme Court has interpreted Article III to allow minimal diversity and Smith’s bill is constitutional because it is consistent with both the Supreme Court’s interpretation and Congress’s legislative authority. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding Article III, §2 of the Constitution\*\*: Article III, §2 of the U.S. Constitution establishes the judicial power of the federal courts but does not explicitly define the extent of diversity jurisdiction. It does not specify whether complete diversity is required. (Correct)  2. \*\*Interpretation by Supreme Court in State Farm Fire & Casualty Co. v. Tashire\*\*: This case clarified that the complete diversity rule established in Strawbridge v. Curtiss was an interpretation of the statutory law (28 U.S.C. §1332(a)), not a constitutional requirement. The Supreme Court held that for Article III purposes, diversity jurisdiction can exist as long as there is minimal diversity, meaning at least one plaintiff is diverse from one defendant. (Correct)  3. \*\*Role of Congress in Defining Jurisdiction\*\*: Congress has the authority to define the jurisdiction of the federal courts within the bounds set by the Constitution. Since the Constitution allows for minimal diversity, Congress can legislate to either restrict or expand the federal courts' jurisdiction to include cases with minimal diversity. (Correct)  4. \*\*Smith’s Amendment\*\*: The bill introduced by Congressperson Smith proposes to allow federal jurisdiction in cases where there is minimal diversity, i.e., at least one plaintiff is diverse from one defendant. This aligns with the constitutional interpretation provided by the Supreme Court in State Farm Fire & Casualty Co. v. Tashire. (Correct)  5. \*\*Constitutionality of Smith’s Bill\*\*: Given that the Supreme Court has interpreted Article III to allow minimal diversity and that Congress has the power to legislate the scope of federal jurisdiction within constitutional limits, Smith’s bill would be constitutional as it is consistent with both the Supreme Court’s interpretation and Congress’s legislative authority. (Correct)  \*\*Final Answer: C. Smith’s bill would be constitutional, because the scope of diversity jurisdiction in Article III includes minimal diversity cases.\*\* |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The legal context provided explains that the relation between statutory diversity jurisdiction and the constitutional grant Article III, §2 of the Constitution creates diversity jurisdiction in very general terms. It does not expressly state whether there must be ‘‘complete diversity,’’ or whether diversity might be satisfied if some plaintiffs are diverse from some defendants.  2. Strawbridge v. Curtiss held that all defendants must be diverse from all plaintiffs, but it was unclear whether this interpretation was of Article III or the diversity statute.  3. In State Farm Fire & Casualty Co. v. Tashire, the Supreme Court held that Strawbridge interpreted the diversity statute, not Article III. It further held that, for Article III purposes, a case is ‘‘between citizens of different states’’ so long as at least one plaintiff is diverse from one defendant.  4. This means that diversity jurisdiction exists under Article III as long as there is ‘‘minimal diversity,’’ that is, as long as some plaintiff is diverse from some defendant.  5. However, Strawbridge, which interprets the diversity statute, 28 U.S.C. §1332(a), to require complete diversity, has never been overruled. Nor has Congress amended §1332(a) to allow diversity jurisdiction based on minimal diversity. But it could be changed by Congress.  6. The jurisdiction allowed under the Constitution is not self-executing. The lower federal courts derive their jurisdiction from Congress. Congress may authorize jurisdiction over all cases described in Article III, or it may authorize the federal district courts to hear only some subset of those cases.  7. Congressperson Smith's bill would provide for diversity jurisdiction ‘‘so long as at least one plaintiff in the case is a citizen of a different state from one defendant.’’ This is in line with the minimal diversity rule established by the Supreme Court in State Farm Fire & Casualty Co. v. Tashire.  8. Therefore, Smith's bill would be constitutional, since Congress may expand or restrict the jurisdiction of the federal district courts as it sees fit.  [Final Answer: A. Smith’s bill would be constitutional, since Congress may expand or restrict the jurisdiction of the federal district courts as it sees fit.] |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The question revolves around whether Congressperson Smith's bill, which proposes to allow diversity jurisdiction as long as at least one plaintiff is a citizen of a different state from one defendant, would be constitutional.  2. The key to answering this question lies in understanding the relationship between statutory diversity jurisdiction and the constitutional grant of Article III, §2 of the Constitution.  3. As per the given context, Article III, §2 creates diversity jurisdiction in general terms but does not explicitly state whether complete diversity is required or if minimal diversity is sufficient.  4. The case of Strawbridge v. Curtiss established the complete diversity rule, but it was later clarified in State Farm Fire & Casualty Co. v. Tashire that this rule was an interpretation of the diversity statute (28 U.S.C. §1332(a)), not Article III.  5. The Supreme Court in State Farm Fire & Casualty Co. v. Tashire further held that for Article III purposes, a case is "between citizens of different states" as long as at least one plaintiff is diverse from one defendant, thereby allowing for minimal diversity under the Constitution.  6. Since the jurisdiction allowed under the Constitution is not self-executing, Congress has the authority to authorize jurisdiction over all cases described in Article III or only some subset of those cases.  7. Given this understanding, Congressperson Smith's bill, which proposes to allow diversity jurisdiction based on minimal diversity, aligns with the constitutional scope of diversity jurisdiction as interpreted by the Supreme Court in State Farm Fire & Casualty Co. v. Tashire.  8. Therefore, the bill would be constitutional because it falls within the scope of diversity jurisdiction permissible under Article III, and Congress has the authority to expand or restrict the jurisdiction of the federal district courts as it sees fit.  Final Answer: A |

### 25. A diversity case cannot be heard…

| **25.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The relation between statutory diversity jurisdiction and the constitutional grant Article III, §2 of the Constitution creates diversity jurisdiction in very general terms. It does not expressly state whether there must be ‘‘complete diversity,’’ or whether diversity might be satisfied if some plaintiffs are diverse from some defendants. Strawbridge v. Curtiss, of course, held that all defendants must be diverse from all plaintiffs, but for many years it was unclear whether Strawbridge interpreted Article III or interpreted the statute by which Congress conveys diversity jurisdiction to the lower federal courts. If Strawbridge interpreted the language ‘‘citizens of different states’’ in Article III, the complete diversity rule would be constitutionally required, and could not be changed . . . unless the Court overruled Strawbridge or the Constitution were amended. In State Farm Fire & Casualty Co. v. Tashire, 386 U.S. 523 (1967), the Supreme Court held that Strawbridge interpreted the diversity statute, not Article III. It further held that, for Article III purposes, a case is ‘‘between citizens of different states’’ so long as at least one plaintiff is diverse from one defendant. Consequently, it is now clear that diversity jurisdiction exists under Article III as long as there is ‘‘minimal diversity,’’ that is, as long as some plaintiff is diverse from some defendant. However, Strawbridge, which interprets the diversity statute, 28 U.S.C. §1332(a), to require complete diversity, has never been overruled. 1 Nor has Congress amended §1332(a) to allow diversity jurisdiction based on minimal diversity. But it could be changed by Congress. Recall that the jurisdiction allowed under the Constitution is not self-executing. The lower federal courts derive their jurisdiction from Congress. Congress may authorize jurisdiction over all cases described in Article III, or it may authorize the federal district courts to hear only some subset of those cases. The following example illustrates the relationship between the scope of diversity jurisdiction permissible under Article III and the Congressional grant of diversity jurisdiction to the federal district courts.  The amount-in-controversy requirement As the previous section explains, the scope of diversity jurisdiction in Article III and that conveyed to the federal district courts by Congress aren’t the same. The Strawbridge rule illustrates one situation in which the statutory grant is narrower than the constitutional authority. Another example is the amount-in-controversy requirement. Article III, §2 contains no monetary restriction on diversity jurisdiction; it broadly authorizes jurisdiction over all cases between citizens of different states. Congress’s grant of diversity jurisdiction to the federal district courts, however, includes an amount-in-controversy requirement, in order to keep small diversity cases out of federal court. See 28 U.S.C. §1332(a) (granting jurisdiction over diversity cases in which ‘‘the amount in controversy exceeds the sum or value of $75,000, exclusive of interest or costs’’). Here’s a mediocre question, included to make a point.  Question:  A diversity case cannot be heard in federal court unless the amount in controversy is at least  Options:  A. $75,000, counting interest and costs as well as the plaintiff’s damages.  B. $75,000, not counting interest and costs.  C. $75,000.01, counting interest and costs.  D. $75,000.01, exclusive of interest and costs.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  This is what I would call a ‘‘pure knowledge’’ multiple- choice question. It simply asks a factual question and gives you four choices, one of them is right ( D ). To answer it, you simply need to remember a fact, not analyze a problem. This is easier, and less imaginative, than questions that require you to apply a concept to a subtle set of facts. Analytical questions call for a higher order of reasoning than this amount-in-controversy hypo. Most professors will test your analytical skills, since they are trying to teach you to think, not memorize. So I think you will find the more analytical examples in this book more representative of law school exams—either multiple-choice or essay exams. Similarly, the multi-state bar exam also focuses on proper application of legal rules to facts, not memorization of black letter law. |
| **Mistral-7B Analysis**  [1] The legal context explains that the amount-in-controversy requirement is a condition imposed by Congress on the exercise of diversity jurisdiction in federal courts, which is not present in the constitutional grant of diversity jurisdiction in Article III, §2.  [2] The question asks for the minimum amount in controversy that must be present for a diversity case to be heard in federal court.  [3] Based on the legal context, the constitutional grant of diversity jurisdiction in Article III, §2, does not contain any monetary restriction. Therefore, there is no minimum amount in controversy required for a case to be considered a diversity case under the Constitution.  [4] However, the federal courts derive their jurisdiction from Congress, and Congress has imposed an amount-in-controversy requirement as a condition for the exercise of diversity jurisdiction.  [5] Therefore, the correct answer is [B]: $75,000, not counting interest and costs. This is the minimum amount in controversy required for a diversity case to be heard in federal court under the statutory grant of jurisdiction. |
| **Llama-3-8b-instruct Analysis**  Here is the response:  1. The question asks about the amount in controversy requirement for a diversity case to be heard in federal court. The relevant provision is 28 U.S.C. §1332(a), which grants jurisdiction over diversity cases where the amount in controversy exceeds the sum or value of $75,000, exclusive of interest or costs.  2. The question specifically asks about the amount in controversy, which is the monetary value of the dispute. The provision does not mention interest and costs, but rather excludes them from the calculation.  3. Therefore, the correct answer is B. $75,000, not counting interest and costs.  Final Answer: B. $75,000, not counting interest and costs. |
| **GPT-3.5-turbo Analysis:**  1. The legal context provided states that Congress's grant of diversity jurisdiction to the federal district courts includes an amount-in-controversy requirement of "the amount in controversy exceeds the sum or value of $75,000, exclusive of interest or costs" as per 28 U.S.C. §1332(a).  2. This means that the amount in controversy must be at least $75,000, exclusive of interest and costs, for a diversity case to be heard in federal court.  3. Therefore, the correct option is:  D. $75,000.01, exclusive of interest and costs. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the Statutory Requirement\*\*: The first step is to understand the statutory requirement set by Congress under 28 U.S.C. §1332(a). This statute specifies that federal diversity jurisdiction requires the amount in controversy to exceed a certain threshold.  2. \*\*Clarification of the Amount in Controversy\*\*: The statute explicitly states that the amount in controversy must exceed the sum or value of $75,000, exclusive of interest and costs. This means that when calculating whether the threshold is met, neither interest accrued nor costs associated with the case should be included in the total amount.  3. \*\*Interpreting the Options\*\*:  - Option A suggests including interest and costs, which contradicts the statutory language.  - Option B aligns with the statute, stating $75,000 not counting interest and costs.  - Option C and D both specify $75,000.01 but differ on whether to include interest and costs. Option C includes them, which is incorrect per the statute, and Option D excludes them but raises the threshold unnecessarily by one cent.  4. \*\*Conclusion\*\*: Based on the statutory language in 28 U.S.C. §1332(a), the correct interpretation is that the amount in controversy must exceed $75,000, and this figure should not include interest or costs.  [Final Answer: Option B. $75,000, not counting interest and costs.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the correct answer:  1. The question is asking about the amount-in-controversy requirement for a diversity case to be heard in federal court.  2. According to the provided text, Congress's grant of diversity jurisdiction to the federal district courts includes an amount-in-controversy requirement, which is stated in 28 U.S.C. §1332(a).  3. The statute specifically states that the federal district courts have jurisdiction over diversity cases in which "the amount in controversy exceeds the sum or value of $75,000, exclusive of interest or costs."  4. The phrase "exclusive of interest or costs" means that the $75,000 threshold does not include interest or costs, but only the plaintiff's damages.  5. Since the amount in controversy must "exceed" $75,000, the actual amount required is at least $75,000.01.  6. However, the correct answer should reflect that interest and costs are excluded from this calculation.  Final Answer: D. $75,000.01, exclusive of interest and costs. |
|  |
| **Human Annotator Analysis of Mistral-7B:**  [1] The legal context explains that the amount-in-controversy requirement is a condition imposed by Congress on the exercise of diversity jurisdiction in federal courts, which is not present in the constitutional grant of diversity jurisdiction in Article III, §2. (Correct)  [2] The question asks for the minimum amount in controversy that must be present for a diversity case to be heard in federal court. (Correct)  [3] Based on the legal context, the constitutional grant of diversity jurisdiction in Article III, §2, does not contain any monetary restriction. Therefore, there is no minimum amount in controversy required for a case to be considered a diversity case under the Constitution. (Irrelevant Premise) - The question is about the statutory requirement, not the constitutional one.  [4] However, the federal courts derive their jurisdiction from Congress, and Congress has imposed an amount-in-controversy requirement as a condition for the exercise of diversity jurisdiction. (Correct)  [5] Therefore, the correct answer is [B]: $75,000, not counting interest and costs. This is the minimum amount in controversy required for a diversity case to be heard in federal court under the statutory grant of jurisdiction.  (Wrong Conclusion from False Premises) - Mistral doesn’t fully understand the terms of the legal context, which states “**the amount in controversy exceeds the sum or value of $75,000, exclusive of interest or costs**” not equals or exceeds, meaning the value must be greater than, not equal to, $75,000. |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here is the response:  1. The question asks about the amount in controversy requirement for a diversity case to be heard in federal court. The relevant provision is 28 U.S.C. §1332(a), which grants jurisdiction over diversity cases where the amount in controversy exceeds the sum or value of $75,000, exclusive of interest or costs.(Correct)  2. The question specifically asks about the amount in controversy, which is the monetary value of the dispute. The provision does not mention interest and costs, but rather excludes them from the calculation.(Correct)  3. Therefore, the correct answer is B. $75,000, not counting interest and costs.(Wrong Conclusion from Correct Premises) The LLM misinterpreted what the question was asking.  Final Answer: B. $75,000, not counting interest and costs.  Annotator Remarks: The LLM made a wrong conclusion from correct premises as it ignored that the context had identical words as in option D. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The legal context provided states that Congress's grant of diversity jurisdiction to the federal district courts includes an amount-in-controversy requirement of "the amount in controversy exceeds the sum or value of $75,000, exclusive of interest or costs" as per 28 U.S.C. §1332(a). (Correct)  2. This means that the amount in controversy must be at least $75,000, exclusive of interest and costs, for a diversity case to be heard in federal court. (Correct)  3. Therefore, the correct option is:  D. $75,000.01, exclusive of interest and costs. (Correct) |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the Statutory Requirement\*\*: The first step is to understand the statutory requirement set by Congress under 28 U.S.C. §1332(a). This statute specifies that federal diversity jurisdiction requires the amount in controversy to exceed a certain threshold. (Correct)  2. \*\*Clarification of the Amount in Controversy\*\*: The statute explicitly states that the amount in controversy must exceed the sum or value of $75,000, exclusive of interest and costs. This means that when calculating whether the threshold is met, neither interest accrued nor costs associated with the case should be included in the total amount. (Correct)  3. \*\*Interpreting the Options\*\*:  - Option A suggests including interest and costs, which contradicts the statutory language.  - Option B aligns with the statute, stating $75,000 not counting interest and costs.  - Option C and D both specify $75,000.01 but differ on whether to include interest and costs. Option C includes them, which is incorrect per the statute, and Option D excludes them but raises the threshold unnecessarily by one cent. (False equivalence) - Here, the LLM starts falsely equating “exceeds $75,000” and “equals or exceeds $75,000,” leading it to consider $75,000 the minimum requirement to meet the Amount in Controversy requirement when $75,000.01 is actually needed. This leads it to conclude that the extra cent is unnecessary.  4. \*\*Conclusion\*\*: Based on the statutory language in 28 U.S.C. §1332(a), the correct interpretation is that the amount in controversy must exceed $75,000, and this figure should not include interest or costs. (Correct)  [Final Answer: Option B. $75,000, not counting interest and costs.] (Wrong Conclusion from False Premise) - Due to considering $75,000 as exceeding $75,000 in [3], the LLM incorrectly concludes that the extra cent in option D is unnecessary, making option B the best option, when the extra cent in option D is actually needed to meet the Amount in Controversy requirement. |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The legal context provided discusses the relationship between statutory diversity jurisdiction and the constitutional grant Article III, §2 of the Constitution.  2. The complete diversity rule, as interpreted by Strawbridge v. Curtiss, requires all defendants to be diverse from all plaintiffs.  3. However, State Farm Fire & Casualty Co. v. Tashire clarified that Strawbridge interpreted the diversity statute, not Article III, and that minimal diversity is sufficient for Article III purposes.  4. The amount-in-controversy requirement is a statutory grant by Congress, not a constitutional requirement.  5. According to 28 U.S.C. §1332(a), the amount in controversy must exceed $75,000, exclusive of interest or costs.  [Final Answer with the correct option]  B. $75,000, not counting interest and costs. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the correct answer:  1. The question is asking about the amount-in-controversy requirement for a diversity case to be heard in federal court.  2. According to the provided text, Congress's grant of diversity jurisdiction to the federal district courts includes an amount-in-controversy requirement, which is stated in 28 U.S.C. §1332(a).  3. The statute specifically states that the federal district courts have jurisdiction over diversity cases in which "the amount in controversy exceeds the sum or value of $75,000, exclusive of interest or costs."  4. The phrase "exclusive of interest or costs" means that the $75,000 threshold does not include interest or costs, but only the plaintiff's damages.  5. Since the amount in controversy must "exceed" $75,000, the actual amount required is at least $75,000.01.  6. However, the correct answer should reflect that interest and costs are excluded from this calculation.  Final Answer: D. $75,000.01, exclusive of interest and costs. |

### 26. Wanda brings a diversity action…

| **26.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  One problem with requiring a minimum amount in controversy is that you have to know how much is ‘‘in controversy’’ in order to determine whether the court has jurisdiction. Courts generally determine their jurisdiction at the outset of a case, but how can they determine the amount in dispute between the parties without gathering evidence or trying the case? The Supreme Court addressed this conundrum in St. Paul Mercury Indemnity Co. v. Red Cab Co., 303 U.S. 283 (1938). Under the ‘‘ St. Paul Mercury rule,’’ the court will find the amount requirement met as long as it is possible that the plaintiff’s claim would support a recovery of more than $75,000. If the judge, evaluating the plaintiff’s injuries or damages, concludes that a jury would likely award more than $75,000, she will find the amount requirement met. If she concludes that a jury probably would award less than $75,000, but might rationally award more, she would still find the amount requirement met. If, on the other hand, she concludes that a verdict over $75,000 would be irrational, that the claim is ‘‘to a legal certainty’’ worth less than the amount required, she would dismiss for failure to meet the amount-in-controversy requirement. This approach gives the plaintiff the benefit of the doubt. Where her damages might exceed the required number, the amount requirement is deemed satisfied, and the case may go forward in federal court. It is only where her injuries or losses could not rationally support a verdict for the jurisdictional amount that her claim will be dismissed. Here’s a question that probes the application of the St. Paul Mercury rule.  Question:  Wanda brings a diversity action against Peroski in federal court for injuries suffered in a construction accident. As a result of the accident, Wanda suffered a badly sprained ankle. She alleges that Peroski’s negligence caused the accident. However, Peroski denies that her conduct was negligent. Wanda demands $100,000 in damages for her injuries.  Options:  A. To determine whether the amount-in-controversy requirement is met, the court will consider whether Wanda is likely to be able to prove that Peroski was negligent.  B. To determine whether the amount-in-controversy requirement is met, the court will have to determine whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges.  C. The amount-in-controversy requirement is met if it is clear, to a legal certainty, that Wanda’s damages exceed $75,000.  D. The amount-in-controversy requirement is met, because Wanda seeks $100,000 in damages.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  If D were the right answer to this question, the amount-in- controversy requirement would be a dead letter. Plaintiffs would simply demand large damages in their complaints, and the federal court would have to hear their cases. Surely, federal judges are too savvy to leave it at that. The court won’t simply accept the number Wanda’s lawyer asks for in damages; it will look at the actual injury Wanda has suffered, and consider whether those injuries could rationally support a verdict over the required amount. The rule suggested by C also misperceives the meaning of the St. Paul Mercury test. It suggests that the amount requirement is only satisfied where the plaintiff will definitely recover more than $75,000. Under this test, if the plaintiff might recover more, but also might recover less, there would be no diversity jurisdiction. Under St. Paul Mercury, the presumption is the opposite: if the damages are in the debatable range, where a reasonable jury might award more, or might award less, the amount requirement is met. Only where it is clear, as a matter of law, that the award will be less is the amount requirement not met. A can’t be right either: The amount-in-controversy question is not whether the plaintiff is likely to win her case on the merits, but whether, if she does, she might recover more than $75,000. After all, §1332(a) requires that more than $75,000 must be ‘‘in controversy,’’ not actually recovered. If the court had to consider the strength of the plaintiff’s proof of her claim in order to decide whether the amount-in-controversy requirement was met, it would not be able to decide this preliminary issue without developing the facts through discovery and litigating the merits of the case. That would be a poor rule indeed for a question of jurisdiction, which should be settled at the outset of the case. So B is the best answer. The court will look at Wanda’s damages, a sprained ankle, and consider whether a reasonable jury could award more than $75,000 for that injury. Seems like a good case for dismissal to me, but you don’t have to decide that to answer the question. |
| **Mistral-7B Analysis**  [Explanation]  1. The St. Paul Mercury rule is a legal standard used to determine if the amount in controversy requirement is met in federal court cases.  2. The requirement is met if it is possible that a jury could award more than the jurisdictional amount.  3. In this case, Wanda is seeking $100,000 in damages, which is more than the jurisdictional amount of $75,000.  4. However, the fact that Wanda demands a certain amount does not automatically mean that the amount-in-controversy requirement is met.  5. The court must still consider whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges.  [Final Answer]  Option B. To determine whether the amount-in-controversy requirement is met, the court will have to determine whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges. |
| **Llama-3-8b-instruct Analysis**  Here is the response:  1. The court needs to determine whether the amount-in-controversy requirement is met, which is $75,000 in this case. To do so, the court will evaluate the plaintiff's injuries or damages and consider whether a reasonable jury could award more than $75,000 for those injuries.  2. The court will not consider whether Wanda is likely to be able to prove that Peroski was negligent (Option A), as this is not relevant to determining the amount in controversy.  3. The court will not determine whether it is clear, to a legal certainty, that Wanda's damages exceed $75,000 (Option C), as this is a strict standard that is not required under the St. Paul Mercury rule.  4. The court will not dismiss the case solely because Wanda seeks $100,000 in damages (Option D), as the St. Paul Mercury rule gives the plaintiff the benefit of the doubt and allows the case to proceed if it is possible that the jury could award more than $75,000.  Final Answer: B. To determine whether the amount-in-controversy requirement is met, the court will have to determine whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges. |
| **GPT-3.5-turbo Analysis:**  1. Wanda brings a diversity action against Peroski in federal court for injuries suffered in a construction accident, claiming $100,000 in damages.  2. The court must determine whether the amount-in-controversy requirement is met in this case.  3. According to the legal context provided, the court follows the 'St. Paul Mercury rule' to determine if the amount requirement is met.  4. Under the 'St. Paul Mercury rule,' the court will find the amount requirement met as long as it is possible that the plaintiff’s claim would support a recovery of more than $75,000.  5. If a jury could reasonably award more than $75,000 for the injuries alleged by Wanda, then the amount-in-controversy requirement is met.  6. In this case, Wanda is seeking $100,000 in damages, which is more than the $75,000 threshold.  7. Therefore, the correct option is: D. The amount-in-controversy requirement is met, because Wanda seeks $100,000 in damages. |
| **GPT-4-turbo Analysis:**  ### Legal Reasoning:  1. \*\*Understanding the St. Paul Mercury Rule\*\*: According to the St. Paul Mercury rule, the court's task is to determine whether it is possible that the plaintiff's claim could support a recovery exceeding the jurisdictional threshold, which is $75,000 in this context. The rule does not require absolute certainty that the damages will exceed this amount, but rather that a rational jury could potentially award more than this sum.  2. \*\*Evaluation of the Claim's Potential\*\*: The court must evaluate whether a rational jury could award more than $75,000 based on the injuries described. The rule emphasizes the potential for such an award rather than the certainty of it. The nature of the injury (a badly sprained ankle) and the damages claimed ($100,000) are key factors in this assessment.  3. \*\*Irrelevance of Negligence at This Stage\*\*: The question of whether Peroski was negligent is relevant to the liability aspect of the case but does not directly influence the amount-in-controversy requirement. This requirement focuses on the potential damages award, not the likelihood of proving negligence.  4. \*\*Legal Certainty Not Required\*\*: The option that suggests the amount-in-controversy requirement is met only if it is clear, to a legal certainty, that Wanda’s damages exceed $75,000 misinterprets the St. Paul Mercury rule. The rule requires that it must not be legally certain that the claim is worth less than $75,000 to dismiss it on jurisdictional grounds.  5. \*\*Claim Amount vs. Jurisdictional Threshold\*\*: While Wanda demands $100,000, which is above the jurisdictional threshold, the court's focus should be on whether a jury could reasonably award an amount exceeding $75,000, not just on the claimed amount.  ### Final Answer:  B. To determine whether the amount-in-controversy requirement is met, the court will have to determine whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges. This option correctly reflects the St. Paul Mercury rule's focus on the potential for a jury award exceeding the jurisdictional threshold based on the nature of the claim. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The St. Paul Mercury rule is used to determine whether the amount-in-controversy requirement is met in a diversity action. This rule gives the plaintiff the benefit of the doubt, allowing the case to go forward in federal court if the damages might exceed the required amount.  2. According to the St. Paul Mercury rule, the court will find the amount requirement met as long as it is possible that the plaintiff's claim would support a recovery of more than $75,000. This means that the court does not need to determine the likelihood of the plaintiff winning the case or the defendant's liability.  3. The court's task is to evaluate the plaintiff's injuries or damages and determine whether a jury would likely award more than $75,000 or might rationally award more than $75,000.  4. In this case, Wanda demands $100,000 in damages for her injuries. However, the court cannot simply accept this amount as the basis for determining the amount-in-controversy requirement.  5. Instead, the court needs to consider whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges. This involves evaluating the severity of Wanda's injuries (a badly sprained ankle) and determining whether a jury might rationally award damages exceeding $75,000.  6. Options A and D are incorrect because the court does not need to determine the likelihood of Wanda proving Peroski's negligence, and Wanda's demand for $100,000 in damages is not sufficient on its own to meet the amount-in-controversy requirement.  7. Option C is incorrect because the St. Paul Mercury rule does not require that it be clear, to a legal certainty, that Wanda's damages exceed $75,000. Instead, the rule allows the case to go forward if the damages might exceed the required amount.  8. Therefore, the correct option is B, which states that the court will have to determine whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges.  Final Answer: B |
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| **Human Annotator Analysis of Mistral-7B:**  [Explanation]  1. The St. Paul Mercury rule is a legal standard used to determine if the amount in controversy requirement is met in federal court cases. (Correct)  2. The requirement is met if it is possible that a jury could award more than the jurisdictional amount. (Correct)  3. In this case, Wanda is seeking $100,000 in damages, which is more than the jurisdictional amount of $75,000. (Correct)  4. However, the fact that Wanda demands a certain amount does not automatically mean that the amount-in-controversy requirement is met. (Correct)  5. The court must still consider whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges. (Correct)  [Final Answer]  Option B. To determine whether the amount-in-controversy requirement is met, the court will have to determine whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges.  Mistral accurately and efficiently chooses the correct option using the provided legal context. |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here is the response:  1. The court needs to determine whether the amount-in-controversy requirement is met, which is $75,000 in this case. To do so, the court will evaluate the plaintiff's injuries or damages and consider whether a reasonable jury could award more than $75,000 for those injuries.(Correct)  2. The court will not consider whether Wanda is likely to be able to prove that Peroski was negligent (Option A), as this is not relevant to determining the amount in controversy.(Correct)  3. The court will not determine whether it is clear, to a legal certainty, that Wanda's damages exceed $75,000 (Option C), as this is a strict standard that is not required under the St. Paul Mercury rule.(Correct)  4. The court will not dismiss the case solely because Wanda seeks $100,000 in damages (Option D), as the St. Paul Mercury rule gives the plaintiff the benefit of the doubt and allows the case to proceed if it is possible that the jury could award more than $75,000.(Correct)  Final Answer: B. To determine whether the amount-in-controversy requirement is met, the court will have to determine whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges.  Annotator Remarks:  The LLM made the correct conclusion by eliminating the rest of the options. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. Wanda brings a diversity action against Peroski in federal court for injuries suffered in a construction accident, claiming $100,000 in damages. (Correct)  2. The court must determine whether the amount-in-controversy requirement is met in this case. (Correct)  3. According to the legal context provided, the court follows the 'St. Paul Mercury rule' to determine if the amount requirement is met. (Correct)  4. Under the 'St. Paul Mercury rule,' the court will find the amount requirement met as long as it is possible that the plaintiff’s claim would support a recovery of more than $75,000. (Correct)  5. If a jury could reasonably award more than $75,000 for the injuries alleged by Wanda, then the amount-in-controversy requirement is met. (Correct)  6. In this case, Wanda is seeking $100,000 in damages, which is more than the $75,000 threshold. (Incorrect)  Wrong Conclusion from Incomplete Premise: The court won’t simply accept the number Wanda’s lawyer asks for in damages, it will look at the actual injury and consider whether those injuries would rationally support a verdict over the required amount of $75,000.  7. Therefore, the correct option is: D. The amount-in-controversy requirement is met, because Wanda seeks $100,000 in damages. (Incorrect) |
| **Human Annotator Analysis of GPT-4-turbo:**  ### Legal Reasoning:  1. \*\*Understanding the St. Paul Mercury Rule\*\*: According to the St. Paul Mercury rule, the court's task is to determine whether it is possible that the plaintiff's claim could support a recovery exceeding the jurisdictional threshold, which is $75,000 in this context. The rule does not require absolute certainty that the damages will exceed this amount, but rather that a rational jury could potentially award more than this sum. (Correct)  2. \*\*Evaluation of the Claim's Potential\*\*: The court must evaluate whether a rational jury could award more than $75,000 based on the injuries described. The rule emphasizes the potential for such an award rather than the certainty of it. The nature of the injury (a badly sprained ankle) and the damages claimed ($100,000) are key factors in this assessment. (Correct)  3. \*\*Irrelevance of Negligence at This Stage\*\*: The question of whether Peroski was negligent is relevant to the liability aspect of the case but does not directly influence the amount-in-controversy requirement. This requirement focuses on the potential damages award, not the likelihood of proving negligence. (Correct)  4. \*\*Legal Certainty Not Required\*\*: The option that suggests the amount-in-controversy requirement is met only if it is clear, to a legal certainty, that Wanda’s damages exceed $75,000 misinterprets the St. Paul Mercury rule. The rule requires that it must not be legally certain that the claim is worth less than $75,000 to dismiss it on jurisdictional grounds. (Correct)  5. \*\*Claim Amount vs. Jurisdictional Threshold\*\*: While Wanda demands $100,000, which is above the jurisdictional threshold, the court's focus should be on whether a jury could reasonably award an amount exceeding $75,000, not just on the claimed amount. (Correct)  ### Final Answer:  B. To determine whether the amount-in-controversy requirement is met, the court will have to determine whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges. This option correctly reflects the St. Paul Mercury rule's focus on the potential for a jury award exceeding the jurisdictional threshold based on the nature of the claim. (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The St. Paul Mercury rule states that the court will find the amount requirement met as long as it is possible that the plaintiff’s claim would support a recovery of more than $75,000.  2. The court does not need to determine the exact amount of damages but rather whether a reasonable jury could award more than $75,000.  3. The court does not dismiss a case for failure to meet the amount-in-controversy requirement unless it is clear, to a legal certainty, that the claim is worth less than the required amount.  4. In this case, Wanda demands $100,000 in damages, which is more than the $75,000 threshold.  [Final Answer with the correct option]  B. To determine whether the amount-in-controversy requirement is met, the court will have to determine whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges. |
| **Human Annotator Analysis of Llama-3.1-405b-instruct:**  Here's the step-by-step explanation of the legal reasoning:  1. The St. Paul Mercury rule is used to determine whether the amount-in-controversy requirement is met in a diversity action. This rule gives the plaintiff the benefit of the doubt, allowing the case to go forward in federal court if the damages might exceed the required amount.  2. According to the St. Paul Mercury rule, the court will find the amount requirement met as long as it is possible that the plaintiff's claim would support a recovery of more than $75,000. This means that the court does not need to determine the likelihood of the plaintiff winning the case or the defendant's liability.  3. The court's task is to evaluate the plaintiff's injuries or damages and determine whether a jury would likely award more than $75,000 or might rationally award more than $75,000.  4. In this case, Wanda demands $100,000 in damages for her injuries. However, the court cannot simply accept this amount as the basis for determining the amount-in-controversy requirement.  5. Instead, the court needs to consider whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges. This involves evaluating the severity of Wanda's injuries (a badly sprained ankle) and determining whether a jury might rationally award damages exceeding $75,000.  6. Options A and D are incorrect because the court does not need to determine the likelihood of Wanda proving Peroski's negligence, and Wanda's demand for $100,000 in damages is not sufficient on its own to meet the amount-in-controversy requirement.  7. Option C is incorrect because the St. Paul Mercury rule does not require that it be clear, to a legal certainty, that Wanda's damages exceed $75,000. Instead, the rule allows the case to go forward if the damages might exceed the required amount.  8. Therefore, the correct option is B, which states that the court will have to determine whether a reasonable jury could award more than $75,000 for the injuries Wanda alleges.  Final Answer: B |

### 27. Maurice sues O’Connell in federal court…

| **27.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Aggregation of damages in diversity cases If a plaintiff brings more than one claim, can she add her damages on the claims together to meet the amount-in-controversy requirement? Suppose, for example, that Harris brings a federal diversity action against Tanfredi for $60,000 in damages suffered in an auto accident, and also, in the same suit, seeks $40,000 from him in damages for breach of a contract. This ‘‘aggregation’’ problem bedevils law students, and makes good fodder for testing. The basic rule is that a plaintiff can add up the amounts for all her claims against a single defendant, whether they are related or not. However, she cannot ‘‘aggregate’’ claims against different defendants, except in the unusual situation where they are sued on a ‘‘common, undivided interest.’’ (Please disregard this exception for the moment.) Harris meets the amount requirement in the example just given. However, if she sued Tanfredi for $60,000, and Vincent, in the same action for $40,000, she would not meet the amount requirement against either, since she cannot add together the amounts sought against different defendants to meet the requirement. The situation is less clear where two plaintiffs join together to sue a defendant, and one sues for more than $75,000 but the other for less. Prior to enactment of 28 U.S.C. §1367, the supplemental jurisdiction statute, the answer was clear: each plaintiff had to meet the amount requirement on her own. If Couples and Jenks sued Barone, and Couples sought $50,000 in damages, and Jenks sought $60,000, neither met the amount requirement. If Couples sought $90,000 and Jenks joined with him, seeking $20,000, Couples met the requirement, but Jenks did not. Now, however, 28 U.S.C. §1367 has changed this result in the multiple- plaintiff situation. You can analyze this question without worrying about the supplemental jurisdiction statute, since it involves claims against multiple defendants, not by multiple plaintiffs. As to multiple defendants, the traditional rule, that the plaintiff must meet the amount requirement separately against each, still applies.  Question:  Maurice sues O’Connell in federal court based on diversity jurisdiction, seeking recovery on a libel claim for $25,000 and an unrelated negligence claim, for $65,000. He also joins Parker as a codefendant on the negligence claim, seeking his $65,000 in negligence damages from Parker. Assume that Maurice’s claims do not involve a ‘‘common undivided interest.’’  Options:  A. Maurice does not meet the amount-in-controversy requirement against Parker, but does against O’Connell.  B. Maurice meets the amount-in-controversy requirement against both defendants, since he seeks $90,000 in total recovery.  C. Maurice meets the amount-in-controversy requirement against both defendants, as long as the claim against Parker arises from the same events as that against O’Connell.  D. Maurice does not meet the amount-in-controversy requirement against either defendant.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  Let’s review the choices in reverse order. D is wrong, because Maurice does meet the amount requirement against O’Connell. One plaintiff can add up whatever claims he asserts against a particular defendant to meet the amount requirement, so Maurice can add his $25,000 and $65,000 claims against O’Connell to meet the requirement. C doesn’t cut the mustard either. The courts have generally taken the position that Maurice must seek more than $75,000 against Parker to meet the amount requirement. 2 He can’t bootstrap a claim against Parker for less than the required amount onto his claim against O’Connell for more. And B is wrong, because the aggregation rules don’t allow aggregation of amounts sought against different defendants. A is correct. Maurice meets the amount requirement against O’Connell, by adding his two unrelated claims against him. But he cannot add Parker as a codefendant, since he seeks less than $75,000.01 in damages from him. |
| **Mistral-7B Analysis**  [Explanation]  1. The legal context states that a plaintiff can add up the amounts for all her claims against a single defendant, but cannot add together the amounts sought against different defendants to meet the requirement, except in the unusual situation where they are sued on a 'common, undivided interest'.  2. In this case, Maurice is suing two different defendants, O'Connell and Parker, and his claims against them are unrelated.  3. Therefore, Maurice cannot add the damages from his claims against both defendants to meet the amount-in-controversy requirement.  [Final Answer]  D. Maurice does not meet the amount-in-controversy requirement against either defendant. |
| **Llama-3-8b-instruct Analysis**  Here is the response:  1. The first step is to identify the claims brought by Maurice against the defendants. Maurice has brought a libel claim against O'Connell for $25,000 and a negligence claim against both O'Connell and Parker for $65,000.  2. The next step is to determine whether Maurice can aggregate the damages on his claims against the defendants. Since Maurice is suing multiple defendants, he cannot aggregate the damages on his claims against them. This is because the traditional rule is that a plaintiff must meet the amount-in-controversy requirement separately against each defendant.  3. Therefore, Maurice must meet the amount-in-controversy requirement against each defendant separately. Against O'Connell, Maurice seeks $25,000 in libel damages and $65,000 in negligence damages, for a total of $90,000. Against Parker, Maurice seeks $65,000 in negligence damages.  4. Since Maurice seeks more than $75,000 against O'Connell, he meets the amount-in-controversy requirement against O'Connell. However, Maurice does not meet the amount-in-controversy requirement against Parker, as he only seeks $65,000 in damages from Parker.  Final Answer: A. Maurice does not meet the amount-in-controversy requirement against Parker, but does against O'Connell. |
| **GPT-3.5-turbo Analysis:**  1. Maurice is suing O'Connell in federal court based on diversity jurisdiction for a libel claim of $25,000 and a negligence claim of $65,000.  2. Maurice also joins Parker as a codefendant on the negligence claim, seeking $65,000 in damages from Parker.  3. According to the legal context provided, Maurice can add up the amounts for all his claims against a single defendant, even if they are unrelated.  4. Maurice's total recovery sought is $90,000 ($25,000 + $65,000).  5. Therefore, Maurice meets the amount-in-controversy requirement against both defendants.  Final Answer: B. Maurice meets the amount-in-controversy requirement against both defendants, since he seeks $90,000 in total recovery. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the Amount-in-Controversy Requirement\*\*: The amount-in-controversy requirement in federal diversity cases generally requires that the plaintiff's claim against each defendant must independently meet the minimum threshold, which is currently $75,000.  2. \*\*Aggregation of Claims Against a Single Defendant\*\*: According to the legal context provided, a plaintiff can aggregate all claims against a single defendant to meet the amount-in-controversy requirement. This means that if a plaintiff has multiple claims against one defendant, the total value of these claims can be summed to reach the jurisdictional threshold.  3. \*\*Claims Against Multiple Defendants\*\*: The context specifies that claims against different defendants cannot be aggregated unless there is a "common, undivided interest" among the defendants. In this scenario, it is assumed that Maurice’s claims do not involve a common undivided interest.  4. \*\*Analysis of Maurice's Claims\*\*:  - Against O’Connell: Maurice has a libel claim for $25,000 and a negligence claim for $65,000. These claims can be aggregated because they are against the same defendant, totaling $90,000.  - Against Parker: Maurice only asserts the negligence claim for $65,000.  5. \*\*Conclusion Based on the Rules\*\*:  - Maurice meets the amount-in-controversy requirement against O’Connell because the aggregated claims exceed $75,000.  - Maurice does not meet the amount-in-controversy requirement against Parker because the claim against him does not reach the $75,000 threshold and cannot be aggregated with the claim against O’Connell.  \*\*Final Answer: A. Maurice does not meet the amount-in-controversy requirement against Parker, but does against O’Connell.\*\* |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. Maurice is suing O'Connell for two separate claims: a libel claim for $25,000 and a negligence claim for $65,000. According to the aggregation rule, a plaintiff can add up the amounts for all her claims against a single defendant, whether they are related or not. Therefore, Maurice can add the amounts of the two claims against O'Connell, which totals $90,000.  2. Since the total amount Maurice is seeking from O'Connell exceeds the amount-in-controversy requirement, Maurice meets the requirement against O'Connell.  3. However, Maurice also joins Parker as a codefendant on the negligence claim, seeking $65,000 in damages. The traditional rule is that a plaintiff must meet the amount requirement separately against each defendant, and Maurice cannot aggregate claims against different defendants to meet the requirement.  4. Since Maurice is only seeking $65,000 from Parker, which is less than the amount-in-controversy requirement, Maurice does not meet the requirement against Parker.  5. The fact that the claims against O'Connell and Parker arise from the same events (the negligence claim) is irrelevant, as the exception for "common undivided interest" does not apply in this case.  6. Therefore, Maurice meets the amount-in-controversy requirement against O'Connell but not against Parker.  Final Answer: A |
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| **Human Annotator Analysis of Mistral-7B:**  [Explanation]  1. The legal context states that a plaintiff can add up the amounts for all her claims against a single defendant, but cannot add together the amounts sought against different defendants to meet the requirement, except in the unusual situation where they are sued on a 'common, undivided interest'. (Correct)  2. In this case, Maurice is suing two different defendants, O'Connell and Parker, and his claims against them are unrelated. (Correct)  3. Therefore, Maurice cannot add the damages from his claims against both defendants to meet the amount-in-controversy requirement. (Misinterpretation) - This premise is incorrect because it fails to recognize that Maurice can meet the amount-in-controversy requirement against O'Connell by aggregating his claims against O'Connell alone. Maurice's claims against O'Connell total $90,000, which meets the requirement. The error here is a misinterpretation of the legal context, as it overlooks the fact that Maurice can aggregate his claims against a single defendant (O'Connell) to meet the requirement.  [Final Answer]  D. Maurice does not meet the amount-in-controversy requirement against either defendant.  (Incorrect Conclusion from correct premises) - Mistral correctly argues that the amounts in the claims cannot be combined to meet the amount-in-controversy requirement but fails to examine if either claim meets the requirement by itself. |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here is the response:  1. The first step is to identify the claims brought by Maurice against the defendants. Maurice has brought a libel claim against O'Connell for $25,000 and a negligence claim against both O'Connell and Parker for $65,000.(Correct)  2. The next step is to determine whether Maurice can aggregate the damages on his claims against the defendants. Since Maurice is suing multiple defendants, he cannot aggregate the damages on his claims against them. This is because the traditional rule is that a plaintiff must meet the amount-in-controversy requirement separately against each defendant.(Correct)  3. Therefore, Maurice must meet the amount-in-controversy requirement against each defendant separately. Against O'Connell, Maurice seeks $25,000 in libel damages and $65,000 in negligence damages, for a total of $90,000. Against Parker, Maurice seeks $65,000 in negligence damages.(Correct)  4. Since Maurice seeks more than $75,000 against O'Connell, he meets the amount-in-controversy requirement against O'Connell. However, Maurice does not meet the amount-in-controversy requirement against Parker, as he only seeks $65,000 in damages from Parker.(Correct)  Final Answer: A. Maurice does not meet the amount-in-controversy requirement against Parker, but does against O'Connell.  Annotator Remarks:  The LLM made the correct conclusion from the correct premises. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. Maurice is suing O'Connell in federal court based on diversity jurisdiction for a libel claim of $25,000 and a negligence claim of $65,000. (Correct)  2. Maurice also joins Parker as a codefendant on the negligence claim, seeking $65,000 in damages from Parker. (Correct)  3. According to the legal context provided, Maurice can add up the amounts for all his claims against a single defendant, even if they are unrelated. (Incorrect)  Misinterpretation: Since Maurice is suing multiple defendants, he cannot aggregate the damages on his claims against them. This is because the traditional rule is that a plaintiff must meet the amount-in-controversy requirement separately against each defendant.  4. Maurice's total recovery sought is $90,000 ($25,000 + $65,000). (Incorrect) Misinterpretation: This is the total recovery from O’Connell.  5. Therefore, Maurice meets the amount-in-controversy requirement against both defendants. (Incorrect)  (Wrong Conclusion from Incomplete Premise) Maurice meets the requirement against O’Connell but must seek more than $75,000 against Parker in order to meet the requirement.  Final Answer: B. Maurice meets the amount-in-controversy requirement against both defendants, since he seeks $90,000 in total recovery. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the Amount-in-Controversy Requirement\*\*: The amount-in-controversy requirement in federal diversity cases generally requires that the plaintiff's claim against each defendant must independently meet the minimum threshold, which is currently $75,000. (Misinterpretation) - The claim against each defendant must exceed, not meet, $75,000.  2. \*\*Aggregation of Claims Against a Single Defendant\*\*: According to the legal context provided, a plaintiff can aggregate all claims against a single defendant to meet the amount-in-controversy requirement. This means that if a plaintiff has multiple claims against one defendant, the total value of these claims can be summed to reach the jurisdictional threshold. (Correct)  3. \*\*Claims Against Multiple Defendants\*\*: The context specifies that claims against different defendants cannot be aggregated unless there is a "common, undivided interest" among the defendants. In this scenario, it is assumed that Maurice’s claims do not involve a common undivided interest. (Correct)  4. \*\*Analysis of Maurice's Claims\*\*:  - Against O’Connell: Maurice has a libel claim for $25,000 and a negligence claim for $65,000. These claims can be aggregated because they are against the same defendant, totaling $90,000.  - Against Parker: Maurice only asserts the negligence claim for $65,000. (Correct)  5. \*\*Conclusion Based on the Rules\*\*:  - Maurice meets the amount-in-controversy requirement against O’Connell because the aggregated claims exceed $75,000.  - Maurice does not meet the amount-in-controversy requirement against Parker because the claim against him does not reach the $75,000 threshold and cannot be aggregated with the claim against O’Connell. (Right Conclusion from False Premises) - the LLM mistakenly considers $75,000 to be a sufficient amount-in-controversy despite the fact that the amount-in-controversy must exceed $75,000 (making $75,000.01 the minimum acceptable amount). This does not come into play in this question.  \*\*Final Answer: A. Maurice does not meet the amount-in-controversy requirement against Parker, but does against O’Connell.\*\* |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. Maurice is suing O'Connell and Parker in federal court based on diversity jurisdiction.  2. Maurice seeks $25,000 in damages for a libel claim against O'Connell and $65,000 in damages for an unrelated negligence claim against both O'Connell and Parker.  3. The amount-in-controversy requirement for diversity jurisdiction is $75,000.  4. According to the legal context, a plaintiff can add up the amounts for all her claims against a single defendant, whether they are related or not.  5. However, a plaintiff cannot aggregate claims against different defendants, except in the unusual situation where they are sued on a 'common, undivided interest.'  6. In this case, Maurice's claims do not involve a 'common undivided interest.'  7. Therefore, Maurice can add up the amounts for all his claims against O'Connell, which totals $90,000, meeting the amount-in-controversy requirement.  8. However, Maurice cannot aggregate the amounts for his claims against Parker, as they are against different defendants and do not involve a 'common undivided interest.'  9. Therefore, Maurice does not meet the amount-in-controversy requirement against Parker, but does against O'Connell.  [Final Answer: A. Maurice does not meet the amount-in-controversy requirement against Parker, but does against O'Connell.] |

### 28. can all the claims properly be brought in federal court…

| **28.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  Frequently, a plaintiff sues two or more defendants on a tort claim for injuries arguably worth more than $75,000. Suppose, for example, that Epstein suffers nerve damage during surgery, and that the damages are $90,000. He sues Dr. Smith and Dr. Doe for his injury, claiming that the negligence of each during the operation contributed to the injury. Does he satisfy the amount-in-controversy requirement against the doctors? Under the law of damages in tort cases, he does, because either of the doctors might be held liable for the entire injury. Suppose that the jury finds that the injury was Smith’s fault alone. It would return a verdict against Smith for $90,000. So, Smith might be liable for more than the jurisdictional amount. Alternatively, if the jury found that the injury was Doe’s fault alone, it would return a $90,000 verdict against Doe. So he also might be liable for the jurisdictional amount. Thus, the court cannot say to a legal certainty that Epstein could not recover the required amount from Smith, or from Doe. The amount requirement is met against either. Suppose the jury found that they were both negligent and contributed to the harm? On this assumption, the result turns on the tort law of the state. In some states, they would find Smith and Doe ‘‘jointly and severally liable’’ for $90,000, which means that each would be held liable for the full amount, and Epstein could collect $90,000 from either.3 In other states, they would each be held liable for parts of the loss, based on their percentages of negligence. But the amount requirement would be met in either type of jurisdiction. As long as either defendant might be held liable for the full $90,000, that amount is ‘‘in controversy’’ between her and the plaintiff. Since either Smith or Doe might be found solely at fault, either might be held liable for the full $90,000.  Question:  In which of the following cases can all the claims properly be brought in federal court (assume that the traditional aggregation rules apply)?  Options:  A. Larry and Moe (both from New York) sue Curly (from Iowa) for negligence. Larry seeks $60,000 for his injuries in the accident and Moe seeks $25,000 for his.  B. Larry (from New York) sues Curly (from Iowa) for his injuries in an accident, seeking $60,000. Curly counterclaims for $100,000 for his injuries.  C. Larry (from New York) sues Curly and Moe, two Iowa citizens, for injuries he suffered when Curly and Moe’s cars collided. He claims that one or the other, or both, were negligent, and seeks $100,000 in damages for his injuries.  D. Larry (from New York) sues Curly (from Iowa), and Dr. Moe, also from Iowa. He claims that Curly caused the accident, and that he suffered $60,000 in damages from a broken leg suffered in the accident. He further claims that Dr. Moe negligently set the leg after the accident, causing an additional $30,000 in damages.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  Let’s dispose of Larry, Moe, and Curly, and then we’ll move on to other matters. The last choice, D , is the most interesting here, but it isn’t the right answer. Under the law of causation in tort law, Curly would probably be liable for the $60,000 in initial injuries to Larry and the additional $30,000 due to Dr. Moe’s malpractice. Larry would not have suffered the malpractice if he had not been injured in the accident, so most jurisdictions would hold Curly liable for this additional loss as well as the broken leg. So, the amount requirement is met as to him. But Dr. Moe is only liable for the $30,000 in damages that he caused, so the amount requirement is not met as to him. And Larry cannot aggregate his claim against Dr. Moe with his claim against Curly. Under the traditional aggregation rules, the plaintiff must seek more than $75,000 from each defendant. And that rule has not been changed by 28 U.S.C. §1367, the supplemental jurisdiction statute. See 28 U.S.C. §1367(b) (barring supplemental jurisdiction over claims by plaintiffs against persons made parties under Fed. R. Civ. P. 20). A isn’t right because the amount requirement is not met by either plaintiff, and they can’t be added together. B is no good either. The amount requirement must be assessed based only on the plaintiff’s claim, without regard to the value of any counterclaim. If Curly had brought the initial suit (and the claim for $100,000 were colorable), the court would have had jurisdiction. But Larry brought it, and sues for less, so his claim does not support original jurisdiction. The claims in C do satisfy the amount requirement, however. Here, either defendant might be found to have negligently caused Larry’s injuries, so either might be liable for his full $100,000 in damages. Go with C. |
| **Mistral-7B Analysis**  [Explanation:  1. In this question, we need to determine which of the given cases can properly be brought in federal court based on the amount-in-controversy requirement.  2. The amount-in-controversy requirement is a jurisdictional requirement that specifies the minimum amount of money that must be in dispute in a case to allow it to be heard in federal court.  3. In the given context, the legal text states that if a plaintiff sues multiple defendants and the total amount in controversy exceeds the jurisdictional limit, then the case can be brought in federal court.  4. Let's analyze each option to determine if the amount-in-controversy requirement is met.  Option A:  1. In this option, Larry and Moe, both from New York, sue Curly from Iowa for negligence. Larry seeks $60,000 for his injuries, and Moe seeks $25,000 for his injuries.  2. The total amount in controversy is $85,000 ($60,000 + $25,000).  3. Since the total amount in controversy exceeds the jurisdictional limit, this case can properly be brought in federal court.  Option B:  1. In this option, Larry from New York sues Curly from Iowa for his injuries in an accident, seeking $60,000 in damages. Curly counterclaims for $100,000 for his injuries.  2. The total amount in controversy is $160,000 ($60,000 + $100,000).  3. Since the total amount in controversy exceeds the jurisdictional limit, this case can properly be brought in federal court.  Option C:  1. In this option, Larry from New York sues Curly and Moe, two Iowa citizens, for injuries he suffered when Curly and Moe’s cars collided. He claims that one or the other, or both, were negligent, and seeks $100,000 in damages for his injuries.  2. The total amount in controversy is $100,000.  3. Since the total amount in controversy equals the jurisdictional limit, this case can properly be brought in federal court.  Option D:  1. In this option, Larry from New York sues Curly from Iowa and Dr. Moe from Iowa. He claims that Curly caused the accident, and that he suffered $60,000 in damages from a broken leg suffered in the accident. He further claims that Dr. Moe negligently set the leg after the accident, causing an additional $30,000 in damages.  2. The total amount in controversy is $90,000 ($60,000 + $30,000).  3. Since the total amount in controversy exceeds the jurisdictional limit, this case can properly be brought in federal court.  [Final Answer: All of the options (A, B, C, and D) can properly be brought in federal court.] |
| **Llama-3-8b-instruct Analysis**  Here is the response:  1. The first step is to identify the jurisdictional amount, which is $75,000.  2. The next step is to analyze the claims and determine if any of them meet the amount-in-controversy requirement.  3. In option A, Larry and Moe are suing Curly for negligence, and they are seeking a total of $85,000 in damages. Since this amount is less than the jurisdictional amount, this claim cannot be brought in federal court.  4. In option B, Larry is suing Curly for his injuries, seeking $60,000, and Curly is counterclaiming for $100,000. Since the total amount in controversy is $160,000, which is greater than the jurisdictional amount, this claim can be brought in federal court.  5. In option C, Larry is suing Curly and Moe for injuries he suffered in an accident, and he is seeking $100,000 in damages. Since this amount is greater than the jurisdictional amount, this claim can be brought in federal court.  6. In option D, Larry is suing Curly and Dr. Moe for injuries he suffered in an accident, and he is seeking a total of $90,000 in damages. Since this amount is greater than the jurisdictional amount, this claim can be brought in federal court.  Final Answer: The correct option is C. Larry (from New York) sues Curly and Moe, two Iowa citizens, for injuries he suffered when Curly and Moe’s cars collided. He claims that one or the other, or both, were negligent, and seeks $100,000 in damages for his injuries. This claim meets the amount-in-controversy requirement and can be brought in federal court. |
| **GPT-3.5-turbo Analysis:**  1. Larry is seeking $60,000 for his injuries and Moe is seeking $25,000 for his injuries. The total amount in controversy is $85,000. Since Larry's claim alone exceeds $75,000, this case can be brought in federal court.  2. Larry is seeking $60,000 for his injuries, while Curly is counterclaiming for $100,000. The total amount in controversy is $160,000. This case can be brought in federal court.  3. Larry is seeking $100,000 in damages from Curly and Moe for injuries suffered in a car accident. Since Larry's claim alone exceeds $75,000, this case can be brought in federal court.  4. Larry is seeking $60,000 in damages from Curly and $30,000 in damages from Dr. Moe. The total amount in controversy is $90,000. Since Larry's claim alone exceeds $75,000, this case can be brought in federal court.  Therefore, the correct option is:  D. Larry (from New York) sues Curly (from Iowa), and Dr. Moe, also from Iowa. He claims that Curly caused the accident, and that he suffered $60,000 in damages from a broken leg suffered in the accident. He further claims that Dr. Moe negligently set the leg after the accident, causing an additional $30,000 in damages. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the Amount-in-Controversy Requirement\*\*: The federal jurisdiction requires that the amount in controversy must exceed $75,000 for a case to be heard in federal court. This requirement must be met individually by each plaintiff unless the claims can be aggregated under specific circumstances.  2. \*\*Evaluating Option A\*\*: Larry and Moe are both suing Curly for separate injuries, with claims of $60,000 and $25,000 respectively. Under traditional aggregation rules, plaintiffs cannot combine their claims to meet the jurisdictional threshold unless they are jointly entitled to relief. Here, Larry and Moe have separate and distinct claims, thus their claims cannot be aggregated to meet the $75,000 threshold.  3. \*\*Evaluating Option B\*\*: Larry sues Curly for $60,000, and Curly counterclaims for $100,000. In federal court, counterclaims can be considered for jurisdictional purposes if they are compulsory. However, Larry's original claim does not meet the $75,000 threshold on its own. Curly's counterclaim does exceed this amount, but since Larry's claim is below the threshold, this scenario does not uniformly satisfy the jurisdictional requirement.  4. \*\*Evaluating Option C\*\*: Larry sues both Curly and Moe for a total of $100,000, claiming their combined negligence caused his injuries. Here, Larry's claim inherently involves the total amount of $100,000, which exceeds the jurisdictional threshold. The claim does not need to be split or specifically attributed to either defendant, as Larry argues that one or both could be responsible for the total amount.  5. \*\*Evaluating Option D\*\*: Larry sues Curly and Dr. Moe for separate incidents (accident and medical treatment) with claims of $60,000 and $30,000 respectively. These are distinct claims against different defendants for different reasons. Thus, they cannot be aggregated to meet the jurisdictional threshold.  \*\*Final Answer\*\*: The correct option is C. Larry sues Curly and Moe, two Iowa citizens, for injuries he suffered when Curly and Moe’s cars collided. He claims that one or the other, or both, were negligent, and seeks $100,000 in damages for his injuries. This scenario properly meets the amount-in-controversy requirement as the total claim exceeds $75,000 and is directed towards a combined act of negligence by the defendants. |
| **Llama-3.1-405b-instruct Analysis:** Here's the step-by-step explanation of the legal reasoning for each option:  \*\*Option A:\*\*  1. The plaintiffs, Larry and Moe, are both from New York, and the defendant, Curly, is from Iowa. This satisfies the diversity of citizenship requirement.  2. However, the amount-in-controversy requirement is not met. Larry seeks $60,000, and Moe seeks $25,000. Since the traditional aggregation rules apply, their claims cannot be aggregated to meet the $75,000 threshold.  3. Therefore, this case cannot be brought in federal court.  \*\*Option B:\*\*  1. The plaintiff, Larry, is from New York, and the defendant, Curly, is from Iowa. This satisfies the diversity of citizenship requirement.  2. Larry seeks $60,000, which is below the $75,000 threshold. However, Curly counterclaims for $100,000, which exceeds the threshold.  3. Unfortunately, a counterclaim cannot be used to satisfy the amount-in-controversy requirement for the original claim.  4. Therefore, this case cannot be brought in federal court based on the original claim.  \*\*Option C:\*\*  1. The plaintiff, Larry, is from New York, and the defendants, Curly and Moe, are from Iowa. This satisfies the diversity of citizenship requirement.  2. Larry seeks $100,000 in damages, alleging that one or both of the defendants were negligent.  3. Since either Curly or Moe might be found solely at fault, either might be held liable for the full $100,000. This satisfies the amount-in-controversy requirement.  4. Therefore, this case can be brought in federal court.  \*\*Option D:\*\*  1. The plaintiff, Larry, is from New York, and the defendants, Curly and Dr. Moe, are from Iowa. This satisfies the diversity of citizenship requirement.  2. However, Larry's claims against Curly and Dr. Moe are separate and distinct. He seeks $60,000 in damages from Curly and $30,000 in damages from Dr. Moe.  3. Since the traditional aggregation rules apply, Larry's claims against Curly and Dr. Moe cannot be aggregated to meet the $75,000 threshold.  4. Therefore, this case cannot be brought in federal court.  \*\*Final Answer:\*\* C |
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| **Human Annotator Analysis of Mistral-7B:**  [Explanation:  1. In this question, we need to determine which of the given cases can properly be brought in federal court based on the amount-in-controversy requirement. (Correct)  2. The amount-in-controversy requirement is a jurisdictional requirement that specifies the minimum amount of money that must be in dispute in a case to allow it to be heard in federal court. (Correct)  3. In the given context, the legal text states that if a plaintiff sues multiple defendants and the total amount in controversy exceeds the jurisdictional limit, then the case can be brought in federal court.  (Misinterpretation) - This is a misinterpretation of the example in the legal context, which states that “**As long as either defendant might be held liable for the full $90,000, that amount is ‘in controversy’**.” What this means is that the amount-in-controversy requirement is only met if all of the multiple defendants being sued could be liable for an amount that satisfies the requirement.  4. Let's analyze each option to determine if the amount-in-controversy requirement is met.  Option A:  1. In this option, Larry and Moe, both from New York, sue Curly from Iowa for negligence. Larry seeks $60,000 for his injuries, and Moe seeks $25,000 for his injuries.  2. The total amount in controversy is $85,000 ($60,000 + $25,000).  3. Since the total amount in controversy exceeds the jurisdictional limit, this case can properly be brought in federal court.  (Misinterpretation) - This a continuation of the misinterpretation in [3]. Neither plaintiff’s case meets the required amount, so the amounts cannot be added. While there is a total amount greater than $75,000, neither defendant can be liable for an amount exceeding this value.  Option B:  1. In this option, Larry from New York sues Curly from Iowa for his injuries in an accident, seeking $60,000 in damages. Curly counterclaims for $100,000 for his injuries.  2. The total amount in controversy is $160,000 ($60,000 + $100,000).  3. Since the total amount in controversy exceeds the jurisdictional limit, this case can properly be brought in federal court.  (Cherry Picking) - The amount required for federal hearing is only judged on the plaintiff’s claim, ignoring the value of any counterclaim. The amount actually in controversy in this case is the $60,000 Curly might owe Larry. The LLM ignores the fact that the rule is based on the plaintiff’s claims despite the fact it has stated so before.  Option C:  1. In this option, Larry from New York sues Curly and Moe, two Iowa citizens, for injuries he suffered when Curly and Moe’s cars collided. He claims that one or the other, or both, were negligent, and seeks $100,000 in damages for his injuries.  2. The total amount in controversy is $100,000.  3. Since the total amount in controversy equals the jurisdictional limit, this case can properly be brought in federal court. (Correct)  Option D:  1. In this option, Larry from New York sues Curly from Iowa and Dr. Moe from Iowa. He claims that Curly caused the accident, and that he suffered $60,000 in damages from a broken leg suffered in the accident. He further claims that Dr. Moe negligently set the leg after the accident, causing an additional $30,000 in damages.  2. The total amount in controversy is $90,000 ($60,000 + $30,000).  3. Since the total amount in controversy exceeds the jurisdictional limit, this case can properly be brought in federal court.  (Misinterpretations) - This a continuation of the misinterpretation in [3]. Every defendant in the case must be potentially liable for an amount that meets the requirement. Because the $90,000 is split into separate cases worth $60,000 and $30,000, neither case meets the requirement.  [Final Answer: All of the options (A, B, C, and D) can properly be brought in federal court.]  (Wrong Conclusion from False Premises) - Incorrect conclusion due to misinterpretation in [3] and failure to apply ruling correctly in the analysis of option B. |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here is the response:  1. The first step is to identify the jurisdictional amount, which is $75,000.(Correct)  2. The next step is to analyze the claims and determine if any of them meet the amount-in-controversy requirement.(Correct)  3. In option A, Larry and Moe are suing Curly for negligence, and they are seeking a total of $85,000 in damages. Since this amount is less than the jurisdictional amount, this claim cannot be brought in federal court.(Misinterpretation) The LLM reasons that the total amount is less than the jurisdictional amount even though it is not and it aggregates the claim of Larry and Moe, however it can’t do that as both the claims individually had to be greater than the jurisdictional amount.  4. In option B, Larry is suing Curly for his injuries, seeking $60,000, and Curly is counterclaiming for $100,000. Since the total amount in controversy is $160,000, which is greater than the jurisdictional amount, this claim can be brought in federal court.(Misinterpretation) Again, the LLM misinterprets and aggregates the amounts which is not possible and fails to identify that the amount requirement must be assessed based only on the plaintiff’s claim, without regard to the value of any counterclaim.  5. In option C, Larry is suing Curly and Moe for injuries he suffered in an accident, and he is seeking $100,000 in damages. Since this amount is greater than the jurisdictional amount, this claim can be brought in federal court.(Correct)  6. In option D, Larry is suing Curly and Dr. Moe for injuries he suffered in an accident, and he is seeking a total of $90,000 in damages. Since this amount is greater than the jurisdictional amount, this claim can be brought in federal court.(Misinterpretation) The LLM again aggregates the amount and makes the same error it made while analyzing option A in point 3.  Final Answer: The correct option is C. Larry (from New York) sues Curly and Moe, two Iowa citizens, for injuries he suffered when Curly and Moe’s cars collided. He claims that one or the other, or both, were negligent, and seeks $100,000 in damages for his injuries. This claim meets the amount-in-controversy requirement and can be brought in federal court.(Right Conclusion from False Premises).  Annotator Remarks:  The LLM made the same mistake repeatedly by aggregating amounts that were not supposed to be aggregated and it chose option C since it deduced that the reward was the greatest in that case i.e $100,000 from 2 people = $200,000. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. Larry is seeking $60,000 for his injuries and Moe is seeking $25,000 for his injuries. The total amount in controversy is $85,000. Since Larry's claim alone exceeds $75,000, this case can be brought in federal court. (Incorrect)  Misinterpretation: The LLM aggregates the claim of Larry and Moe, but it cannot do that as both the claims individually had to be greater than the jurisdictional amount.  2. Larry is seeking $60,000 for his injuries, while Curly is counterclaiming for $100,000. The total amount in controversy is $160,000. This case can be brought in federal court. (Incorrect)  Misinterpretation: The amount required for federal hearing is only judged on the plaintiff’s claim, ignoring the value of any counterclaim. The amount actually in controversy in this case is the $60,000 Curly might owe Larry which is under the jurisdictional amount.  3. Larry is seeking $100,000 in damages from Curly and Moe for injuries suffered in a car accident. Since Larry's claim alone exceeds $75,000, this case can be brought in federal court. (Correct)  4. Larry is seeking $60,000 in damages from Curly and $30,000 in damages from Dr. Moe. The total amount in controversy is $90,000. Since Larry's claim alone exceeds $75,000, this case can be brought in federal court. (Incorrect)  Incorrect Conclusion from false premises: Every defendant in the case must be potentially liable for an amount that meets the jurisdictional requirement. This $90,000 is split into separate cases of $60,000 and $30,000 which does not meet the requirement.  Therefore, the correct option is:  D. Larry (from New York) sues Curly (from Iowa), and Dr. Moe, also from Iowa. He claims that Curly caused the accident, and that he suffered $60,000 in damages from a broken leg suffered in the accident. He further claims that Dr. Moe negligently set the leg after the accident, causing an additional $30,000 in damages. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the Amount-in-Controversy Requirement\*\*: The federal jurisdiction requires that the amount in controversy must exceed $75,000 for a case to be heard in federal court. This requirement must be met individually by each plaintiff unless the claims can be aggregated under specific circumstances. (Correct)  2. \*\*Evaluating Option A\*\*: Larry and Moe are both suing Curly for separate injuries, with claims of $60,000 and $25,000 respectively. Under traditional aggregation rules, plaintiffs cannot combine their claims to meet the jurisdictional threshold unless they are jointly entitled to relief. Here, Larry and Moe have separate and distinct claims, thus their claims cannot be aggregated to meet the $75,000 threshold. (Correct)  3. \*\*Evaluating Option B\*\*: Larry sues Curly for $60,000, and Curly counterclaims for $100,000. In federal court, counterclaims can be considered for jurisdictional purposes if they are compulsory. However, Larry's original claim does not meet the $75,000 threshold on its own. Curly's counterclaim does exceed this amount, but since Larry's claim is below the threshold, this scenario does not uniformly satisfy the jurisdictional requirement. (Correct)  4. \*\*Evaluating Option C\*\*: Larry sues both Curly and Moe for a total of $100,000, claiming their combined negligence caused his injuries. Here, Larry's claim inherently involves the total amount of $100,000, which exceeds the jurisdictional threshold. The claim does not need to be split or specifically attributed to either defendant, as Larry argues that one or both could be responsible for the total amount. (Correct)  5. \*\*Evaluating Option D\*\*: Larry sues Curly and Dr. Moe for separate incidents (accident and medical treatment) with claims of $60,000 and $30,000 respectively. These are distinct claims against different defendants for different reasons. Thus, they cannot be aggregated to meet the jurisdictional threshold. (Correct)  \*\*Final Answer\*\*: The correct option is C. Larry sues Curly and Moe, two Iowa citizens, for injuries he suffered when Curly and Moe’s cars collided. He claims that one or the other, or both, were negligent, and seeks $100,000 in damages for his injuries. This scenario properly meets the amount-in-controversy requirement as the total claim exceeds $75,000 and is directed towards a combined act of negligence by the defendants. (Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The amount-in-controversy requirement for federal court jurisdiction is met if the plaintiff's claim exceeds $75,000.  2. In option A, Larry and Moe are from the same state (New York) and are suing Curly from Iowa. The total amount in controversy is $85,000 ($60,000 + $25,000), which exceeds the $75,000 threshold. However, traditional aggregation rules do not allow claims of multiple plaintiffs to be aggregated to meet the jurisdictional amount. Therefore, this case does not meet the amount-in-controversy requirement for federal court jurisdiction.  3. In option B, Larry is suing Curly for $60,000, and Curly counterclaims for $100,000. The amount-in-controversy requirement is met because the counterclaim exceeds $75,000. This case can be brought in federal court.  4. In option C, Larry is suing Curly and Moe, both from Iowa, for $100,000. The amount-in-controversy requirement is met because the claim exceeds $75,000. However, traditional aggregation rules do not allow claims of multiple plaintiffs to be aggregated to meet the jurisdictional amount. Therefore, this case does not meet the amount-in-controversy requirement for federal court jurisdiction.  5. In option D, Larry is suing Curly and Dr. Moe, both from Iowa, for $90,000 ($60,000 + $30,000). The amount-in-controversy requirement is met because the claim exceeds $75,000. However, traditional aggregation rules do not allow claims of multiple plaintiffs to be aggregated to meet the jurisdictional amount. Therefore, this case does not meet the amount-in-controversy requirement for federal court jurisdiction.  Final Answer: B. Larry (from New York) sues Curly (from Iowa) for his injuries in an accident, seeking $60,000. Curly counterclaims for $100,000 for his injuries. |

### 29. In 2017, the Mottleys are denied…

| **29.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The Grable problem: State law claims that require proof of federal law. Under Mottley, the court must look to see whether the plaintiff asserts a right to relief under federal law. If she does, the case ‘‘arises under’’ federal law, so the court has jurisdiction under 28 U.S.C. §1331. In American Well Works v. Layne , 241 U.S. 257, 260 (1916), Justice Holmes suggested a commonly cited test for arising-under jurisdiction, that a suit arises ‘‘under the law that creates the cause of action.’’ The Mottleys’ claim flunked the Holmes test, since state contract law created their right to sue for their passes. It would be nice if the Holmes test decided all cases, but the law in this area just isn’t that tidy. The Supreme Court has occasionally held that a case in which state law creates the plaintiff’s cause of action still ‘‘arises under’’ federal law, where the plaintiff, in order to establish her state law claim, must prove a substantial issue of federal law. See, in particular, Smith v. Kansas City Title and Trust Co. , 255 U.S. 180 (1920). In Smith, the plaintiffs sued to enjoin a corporation from investing in certain bonds, claiming that doing so would exceed the corporation’s powers under state corporation law. The claim the plaintiffs asserted was a state law claim, but to establish that it was illegal for the corporation to invest in the bonds, they had to establish that the federal statute authorizing issuance of the bonds was invalid. Thus, they did not have to plead federal law to allege a valid cause of action, but they had to prove a proposition of federal law to establish their state law claim. The Supreme Court held that this claim arose under federal law, even though the case clearly would not satisfy the Holmes test. In Grable & Sons Metal Products Inc. v. Darue Engineering and Manufacturing Co. , 545 U.S. 308 (2005), the Supreme Court reaffirmed the principle relied on in Smith to support arising-under jurisdiction. In Grable , the plaintiff brought an action to quiet title—a state law property claim—to recover property sold by the Internal Revenue Service to Darue after the IRS took the property from Grable for non-payment of taxes. Although Grable sued under state law, it claimed that the tax taking was invalid because the IRS had not complied with the notice required by the federal internal revenue code. Thus, it would have to establish a proposition of federal law—the type of notice required by the federal statute—in order to prove its state law quiet title action. The Supreme Court held that the federal district court had subject matter jurisdiction over the claim under 28 U.S.C. §1331. However, Grable did not hold that arising-under jurisdiction would attach every time the plaintiff had to prove some federal issue to establish a state law claim. The federal issue must be ‘‘substantial,’’ 545 U.S. at 312, and the court would have to consider various other policies —such as avoiding interference with state court jurisdiction, the need for uniform interpretation of a federal issue and the risk of bringing too many claims into federal court. After Grable , federal courts must make sensitive judgments about the importance of the embedded federal issue, and such issues will sometimes, but not always, support arising-under jurisdiction. If this standard appears murky, it is, but perhaps has to be to accommodate the various interests at stake in such cases. Here is a question to test your understanding of this problematic exception to the well-pleaded complaint rule.  Question:  In 2017, the Mottleys are denied renewal of their free passes on the Louisville and Nashville Railroad. They sue the Railroad for breach of contract, claiming that it had agreed to renew their passes for life, in return for a release of liability for injuries in an accident on the Railroad. They allege that the Railroad refused to renew their passes because of a new federal statute barring free passes, but also allege that the statute only applies to passes granted after its enactment. Both parties are from Kentucky. The Railroad moves to dismiss the case for lack of subject matter jurisdiction. After the Supreme Court’s decision in Grable & Sons Metal Products Inc. v. Darue Engineering and Manufacturing Co., the court will  Options:  A. grant the motion, applying the well-pleaded complaint rule.  B. deny the motion if it determines that there is a substantial question as to whether the federal statute applies to the Mottleys’ passes, issued prior to its passage.  C. deny the motion, because the Mottleys, in order to prove their state law claim, must establish a proposition of federal law.  D. grant the motion only if it concludes that the federal statute does not bar renewal of the Mottleys’ passes.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  The correct answer is A; the case should be dismissed for lack of subject matter jurisdiction. This case is not like Grable, because the Mottleys do not have to prove any proposition of federal law to establish their claim. All they need to prove is that they had a contract and that the railroad has failed to perform it. (So C is wrong.) There is no federal issue embedded in their claim. The federal statute will be raised as a defense by the railroad. After Grable, as before, courts still look only to the plaintiff’s case to determine whether the case arises under federal law. The plaintiffs’ case here does not require any allegation or proof of a proposition of federal law. B is also wrong, because even if the applicability of the new federal statute is a substantial question of federal law, it is not one that the Mottleys must establish to prove their claim—the railroad must prove it to establish a defense. D is wrong too. The federal court need not decide whether the statute bars renewal . . . in fact, it can’t decide that, because it doesn’t have subject matter jurisdiction over the case. After Grable, as before, this case does not qualify for arising under jurisdiction. |
| **Mistral-7B Analysis**  [Explanation:  1. The Mottleys' case is a "Mottley matter," which refers to a situation where state law claims require proof of federal law.  2. In this case, the Mottleys are suing the Railroad for breach of contract, alleging that it had agreed to renew their passes for life, but refused to do so due to a new federal statute.  3. The Mottleys argue that the statute only applies to passes granted after its enactment.  4. The Railroad moves to dismiss the case for lack of subject matter jurisdiction.  5. According to the legal context, a case arises under federal law if the plaintiff asserts a right to relief under federal law and the court has jurisdiction under 28 U.S.C. §1331.  6. In this case, the Mottleys are alleging that a federal statute applies to their situation, and they are seeking relief under that statute.  7. Therefore, the case arises under federal law.  Final Answer: C. deny the motion, because the Mottleys, in order to prove their state law claim, must establish a proposition of federal law. ] |
| **Llama-3-8b-instruct Analysis**  1. The court must first determine whether the Mottleys assert a right to relief under federal law. Since they claim that the Railroad refused to renew their passes because of a new federal statute, they do assert a right to relief under federal law.  2. The court must then consider whether the federal issue is substantial. In this case, the Mottleys must prove that the federal statute only applies to passes granted after its enactment. This is a substantial issue of federal law.  3. The court must also consider other policies, such as avoiding interference with state court jurisdiction, the need for uniform interpretation of a federal issue, and the risk of bringing too many claims into federal court. In this case, the court may need to make a sensitive judgment about the importance of the embedded federal issue.  Final Answer:  The correct option is B. deny the motion if it determines that there is a substantial question as to whether the federal statute applies to the Mottleys’ passes, issued prior to its passage. The court must consider the substantiality of the federal issue and other policies before making a decision. |
| **GPT-3.5-turbo Analysis:**  1. The Mottleys' case involves a state law claim for breach of contract against the Railroad.  2. The Mottleys' claim does not assert a right to relief under federal law, as the federal statute barring free passes does not apply to passes issued prior to its enactment.  3. In order to establish their state law claim, the Mottleys do not need to prove a substantial issue of federal law, as the federal statute does not impact the validity of their passes.  4. Therefore, the correct option is: A. grant the motion, applying the well-pleaded complaint rule.  [Final Answer: A. grant the motion, applying the well-pleaded complaint rule.] |
| **GPT-4-turbo Analysis:**  ### Legal Reasoning for Question 3:  1. \*\*Understanding the Mottley Matter\*\*: The Mottleys are suing for breach of contract under state law, claiming a right to lifetime free passes which the Railroad is refusing to renew due to a new federal statute. The key issue is whether the federal statute applies to passes issued before its enactment.  2. \*\*Application of the Well-Pleaded Complaint Rule\*\*: Under this rule, a lawsuit arises under federal law only if the plaintiff's well-pleaded complaint establishes that the claim is based on federal law. Here, the Mottleys' claim is based on state contract law, not directly on federal law.  3. \*\*Grable & Sons Metal Products Inc. v. Darue Engineering and Manufacturing Co. Analysis\*\*: The Supreme Court in Grable held that federal jurisdiction can exist over a state law claim if the claim requires resolution of a substantial question of federal law. The question of whether the federal statute applies to the Mottleys' passes is a federal issue embedded in the state law claim.  4. \*\*Substantiality and Sensitivity of the Federal Issue\*\*: The determination of whether the federal statute applies to passes issued before its enactment is substantial because it directly affects the outcome of the Mottleys' state law claim and potentially impacts the interpretation of the federal statute more broadly.  5. \*\*Conclusion on Jurisdiction\*\*: Given that the resolution of the Mottleys' state law claim depends on interpreting a federal statute, and this interpretation is substantial to the case, the federal courts would likely have jurisdiction under the principles established in Grable.  ### Final Answer:  B. deny the motion if it determines that there is a substantial question as to whether the federal statute applies to the Mottleys’ passes, issued prior to its passage. |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The Mottleys' claim is a state law claim for breach of contract, which does not, on its face, assert a right to relief under federal law. Therefore, the well-pleaded complaint rule, as stated in Mottley, would suggest that the case does not "arise under" federal law.  2. However, the Supreme Court's decision in Grable & Sons Metal Products Inc. v. Darue Engineering and Manufacturing Co. established an exception to the well-pleaded complaint rule. According to Grable, a state law claim can still "arise under" federal law if the plaintiff must prove a substantial issue of federal law to establish their state law claim.  3. In this case, the Mottleys must prove that the federal statute barring free passes does not apply to their passes, which were issued prior to the statute's enactment. This requires them to establish a proposition of federal law, specifically the applicability of the federal statute to their passes.  4. However, Grable also emphasized that the federal issue must be "substantial" and that the court must consider various policies, such as avoiding interference with state court jurisdiction and the need for uniform interpretation of a federal issue.  5. Therefore, the court will not automatically deny the motion to dismiss simply because the Mottleys must prove a proposition of federal law. Instead, the court will need to determine whether there is a substantial question as to whether the federal statute applies to the Mottleys' passes.  6. If the court determines that there is a substantial question, it will deny the motion to dismiss, as the case would then "arise under" federal law. However, if the court concludes that the federal statute's applicability is not a substantial issue, it will grant the motion to dismiss.  Final Answer: B. |
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| **Human Annotator Analysis of Mistral-7B:**  [Explanation:  1. The Mottleys' case is a "Mottley matter," which refers to a situation where state law claims require proof of federal law.  (Hallucination) - The Mottleys’ case is a state law claim but their claim does not require any proof of federal law. A federal law is mentioned, but it does not form a core part of the case. It is unclear how the LLM conjures the phrase “mottley matter.”)  2. In this case, the Mottleys are suing the Railroad for breach of contract, alleging that it had agreed to renew their passes for life, but refused to do so due to a new federal statute. (Correct)  3. The Mottleys argue that the statute only applies to passes granted after its enactment. (Correct)  4. The Railroad moves to dismiss the case for lack of subject matter jurisdiction. (Correct)  5. According to the legal context, a case arises under federal law if the plaintiff asserts a right to relief under federal law and the court has jurisdiction under 28 U.S.C. §1331. (Correct)  6. In this case, the Mottleys are alleging that a federal statute applies to their situation, and they are seeking relief under that statute.  (Misinterpretation) - The Mottleys are not the ones alleging that a federal statute applies to their situation - in fact, they are alleging it does not apply! The railroad might be alleging that a federal statute applies to their situation, but that is not relevant.  7. Therefore, the case arises under federal law.  (Wrong Conclusion from False Premises) - The LLM arrives at the wrong conclusion due to misattributing the federal component of the case to the Mottleys in [1] and [6].  Final Answer: C. deny the motion, because the Mottleys, in order to prove their state law claim, must establish a proposition of federal law. ] |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  1. The court must first determine whether the Mottleys assert a right to relief under federal law. Since they claim that the Railroad refused to renew their passes because of a new federal statute, they do assert a right to relief under federal law.(Misinterpretation) The LLM misinterprets the nature of the plea the case is centered on. The Mottleys’ case is that the railroad failed to fulfill a contract they had and mentions nothing about a federal statute. The federal statute in the case is brought up in the railroad’s defense, not the Mottleys’ claim.  2. The court must then consider whether the federal issue is substantial. In this case, the Mottleys must prove that the federal statute only applies to passes granted after its enactment. This is a substantial issue of federal law.(Wrong Conclusion from Wrong Premises) The LLM falsely concluded by considering the assertion it made in point 1 that the federal statute is included in the Mottleys’ claim..  3. The court must also consider other policies, such as avoiding interference with state court jurisdiction, the need for uniform interpretation of a federal issue, and the risk of bringing too many claims into federal court. In this case, the court may need to make a sensitive judgment about the importance of the embedded federal issue.(Irrelevant Premise) - The LLM fails to identify that bringing too many claims to the federal court is not the main issue here.  Final Answer:  The correct option is B. deny the motion if it determines that there is a substantial question as to whether the federal statute applies to the Mottleys’ passes, issued prior to its passage. The court must consider the substantiality of the federal issue and other policies before making a decision.  Annotator Remarks:  The LLM made its first error in point 1, which propagated and made it choose the incorrect option. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The Mottleys' case involves a state law claim for breach of contract against the Railroad. (Correct)  2. The Mottleys' claim does not assert a right to relief under federal law, as the federal statute barring free passes does not apply to passes issued prior to its enactment. (Correct)  3. In order to establish their state law claim, the Mottleys do not need to prove a substantial issue of federal law, as the federal statute does not impact the validity of their passes. (Correct)  4. Therefore, the correct option is: A. grant the motion, applying the well-pleaded complaint rule. (Correct)  [Final Answer: A. grant the motion, applying the well-pleaded complaint rule.] |
| **Human Annotator Analysis of GPT-4-turbo:**  ### Legal Reasoning for Question 3:  1. \*\*Understanding the Mottley Matter\*\*: The Mottleys are suing for breach of contract under state law, claiming a right to lifetime free passes which the Railroad is refusing to renew due to a new federal statute. The key issue is whether the federal statute applies to passes issued before its enactment. (Cherry-Picking + Irrelevant Premise) - The LLM focuses on the details in the Mottleys’ plea, forgetting that the notion that the Railroad is refusing to renew the passes due to a new federal statute is only alleged by the Mottleys, not a fact. The key issue in the case is whether the federal statute applies to passes issued before its enactment, but that is not relevant to determining if the case can be dismissed under the well-pleaded complaint rule.  2. \*\*Application of the Well-Pleaded Complaint Rule\*\*: Under this rule, a lawsuit arises under federal law only if the plaintiff's well-pleaded complaint establishes that the claim is based on federal law. Here, the Mottleys' claim is based on state contract law, not directly on federal law. (Correct)  3. \*\*Grable & Sons Metal Products Inc. v. Darue Engineering and Manufacturing Co. Analysis\*\*: The Supreme Court in Grable held that federal jurisdiction can exist over a state law claim if the claim requires resolution of a substantial question of federal law. The question of whether the federal statute applies to the Mottleys' passes is a federal issue embedded in the state law claim. (Cherry-Picking) - The question of if the federal statute applies to the Mottleys’ passes is a federal issue but it is NOT embedded in the original state law claim, which is that the railroad “**had [contractually] agreed to renew their passes for life**”. The LLM focuses on the question of whether the federal statute applies to the passes, causing it to forget that the federal statute is not actually involved in the claim.  4. \*\*Substantiality and Sensitivity of the Federal Issue\*\*: The determination of whether the federal statute applies to passes issued before its enactment is substantial because it directly affects the outcome of the Mottleys' state law claim and potentially impacts the interpretation of the federal statute more broadly. (Cherry-Picking) - The issue regarding the federal statute is not substantial to the Mottleys’ state law claim, as while it may affect the outcome, it is not necessary to resolve the issue for the Mottleys to make their claim, as a breach of contract claim only needs proof that a contract has been broken. The federal statute would only come into play if the railroad wanted to use it to establish a defense. The fact that the Mottleys brought it up is irrelevant, as it is just an allegation they have made and not an actual part of their state law claim.  5. \*\*Conclusion on Jurisdiction\*\*: Given that the resolution of the Mottleys' state law claim depends on interpreting a federal statute, and this interpretation is substantial to the case, the federal courts would likely have jurisdiction under the principles established in Grable. (Wrong Conclusion from False premises) - The LLM focuses on the federal statute’s relevance to the wider case in [1] and ignores its lack of relevance to the Mottleys’ claim in [3]. These errors propagate through the LLM’s reasoning, making it think the federal statute is integral to the Mottleys’ claim even though it isn’t.  ### Final Answer:  B. deny the motion if it determines that there is a substantial question as to whether the federal statute applies to the Mottleys’ passes, issued prior to its passage. |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. The Mottleys are suing for breach of contract, which is a state law claim.  2. They allege that the Railroad refused to renew their passes due to a new federal statute barring free passes.  3. The Mottleys also allege that the statute only applies to passes granted after its enactment, which would mean their passes, issued prior to the statute's passage, should not be affected.  4. The Supreme Court's decision in Grable & Sons Metal Products Inc. v. Darue Engineering and Manufacturing Co. established that a state law claim can still 'arise under' federal law if the plaintiff must prove a substantial issue of federal law to establish their state law claim.  5. In this case, the Mottleys would need to prove whether the federal statute applies to their passes, which were issued before the statute's enactment.  6. This issue is substantial because it directly affects the validity of their state law claim for breach of contract.  7. The court must consider various policies, such as avoiding interference with state court jurisdiction and the need for uniform interpretation of a federal issue.  [Final Answer with the correct option]  B. deny the motion if it determines that there is a substantial question as to whether the federal statute applies to the Mottleys’ passes, issued prior to its passage. |

### 30. Eleanor sues Franklin for breach of contract…

| **30.** |
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| Task:  You are a helpful legal assistant. Choose the correct option by performing legal reasoning while strictly adhering to the legal context below.  Legal Context:  The relation between constitutional and statutory limits on ‘‘arising under’’ jurisdiction. Article III, §2 of the Constitution provides that federal courts may hear cases ‘‘arising under’’ federal law. And 28 U.S.C. §1331, the statute conveying arising-under jurisdiction to the federal district courts, uses the same language. A student, or a lawyer, might reasonably conclude that this language means the same thing in the statute and in the Constitution. Since the Supreme Court has interpreted the phrase ‘‘arising under federal law’’ in the statute to focus solely on the plaintiff’s complaint, shouldn’t that phrase mean the same thing in Article III, §2? Article III defines the constitutional limits of the jurisdiction of all federal courts, including the Supreme Court. If the Mottley rule were an interpretation of Article III, it would drastically restrict the power of all federal courts, including the Supreme Court, to consider cases that involve federal defenses and counterclaims. For example, the Court would have no power to hear an appeal in a case like Consolidated’s in Question 1 , which raises a federal issue, but does not satisfy the Mottley test. The state courts would then have the final authority to decide the federal law questions raised by the case. Not surprisingly, the Supreme Court has interpreted the scope of the Article III arising-under jurisdiction much more broadly than Mottley ’s construction of the arising-under statute. In Osborn v. Bank of the United States , 22 U.S. 738 (1824), Chief Justice Marshall concluded that the Article III grant of jurisdiction over cases arising under federal law applies as long as a question of federal statutory or constitutional law ‘‘forms an ingredient’’ of the case. Certainly, federal law ‘‘forms an ingredient’’ of a case if a federal issue is raised as a defense or as a counterclaim. Thus, because the Article III grant extends to such cases, Congress could do away with the Mottley rule (what law student would miss it?) by amending 28 U.S.C. §1331. Although this has been clear since Osborn, Congress has never repudiated Mottley, because it provides a clear rule that allows federal courts to determine their jurisdiction at the outset of the case, and limits the potential for parties to manipulate federal jurisdiction. To illustrate the distinction between the reach of arising-under jurisdiction in Article III and under §1331, consider the following question.  Question:  Eleanor sues Franklin for breach of contract, claiming that he agreed to sell her certain high-risk securities on January 1, 2011, but failed to deliver them on the appointed date. Franklin defends on the ground that after he agreed to the sale, but before the delivery date, a federal statute was passed making such sales illegal.  Options:  A. This case ‘‘arises under’’ federal law as that phrase is construed in 28 U.S.C. §1331, but not as it is construed in Article III, §2 of the United States Constitution.  B. This case ‘‘arises under’’ federal law as that phrase is construed in both 28 U.S.C. §1331 and in Article III, §2 of the United States Constitution.  C. This case ‘‘arises under’’ federal law as that phrase is construed in Article III, §2 of the United States Constitution, but not as construed in 28 U.S.C. §1331.  D. This case ‘‘arises under’’ federal law as that phrase is construed in both 28 U.S.C. §1331 and in Article III, §2 of the United States Constitution, if the case is removed to federal court after the defendant has answered the complaint in state court, asserting his federal defense.  While answering make sure to use the following format:  [Explanation of your legal reasoning step by step as numbered points]  [Final Answer with the correct option] |
| **Ground Truth Analysis**  The point of this example is to illustrate the distinction between Mottley ’s narrow interpretation of arising-under jurisdiction in 28 U.S.C. §1331 and Osborn ’s much more expansive interpretation of the same language in Article III, §2. The facts here are essentially a clone of Mottley. The plaintiff sues under state contract law, and the defendant asserts a federal defense to the claim. This is clearly not an arising-under case under the Mottley interpretation of §1331, because the plaintiff’s well-pleaded complaint asserts only a state law claim. So A and B are both wrong: In order to satisfy the arising-under statute, §1331, the plaintiff herself must assert a right to relief under federal law, and Eleanor’s claim is based on state contract law. 1 And since, under Mottley, the court will only look at the plaintiff’s complaint, not at the answer, in determining whether it has jurisdiction under §1331, D is wrong as well. The defendant’s federal defense in his answer will be disregarded in evaluating the court’s jurisdiction, even if the answer is already before the court when it determines the jurisdiction question. So C is the right answer. The case is within the constitutional grant of arising-under jurisdiction in Article III: Franklin’s federal law defense makes federal law an ‘‘ingredient’’ of the case, even though that ingredient is injected by the defendant, not the plaintiff. But the case is not proper under §1331, because Mottley ’s well-pleaded complaint rule (still the governing interpretation of §1332(a)) requires that the plaintiff rely on federal law to make her claim. |
| **Mistral-7B Analysis**  [1] The legal context provides that the phrase "arising under federal law" in Article III, §2 of the Constitution and in 28 U.S.C. §1331 has different meanings.  [2] The Supreme Court has interpreted the phrase "arising under federal law" in Article III, §2 more broadly than in 28 U.S.C. §1331. In Osborn v. Bank of the United States, the Court held that federal law forms an ingredient of a case if a federal issue is raised as a defense or as a counterclaim.  [3] In the given case, Eleanor sues Franklin for breach of contract, and Franklin defends on the ground that a federal statute was passed making such sales illegal after the agreement but before the delivery date.  [4] A federal issue is raised as a defense in this case, and thus, federal law forms an ingredient of the case.  [5] Therefore, the case "arises under" federal law as that phrase is construed in Article III, §2 of the United States Constitution.  [Final Answer: C. This case ‘‘arises under’’ federal law as that phrase is construed in Article III, §2 of the United States Constitution, but not as construed in 28 U.S.C. §1331.] |
| **Llama-3-8b-instruct Analysis**  Here is the response:  \*\*Explanation of legal reasoning:\*\*  1. The legal context provided discusses the relation between constitutional and statutory limits on 'arising under' jurisdiction. Specifically, it highlights the difference in interpretation between Article III, §2 of the Constitution and 28 U.S.C. §1331, the statute conveying arising-under jurisdiction to federal district courts.  2. The context also explains that the Supreme Court has interpreted the phrase 'arising under federal law' in the statute to focus solely on the plaintiff's complaint, whereas Article III defines the constitutional limits of the jurisdiction of all federal courts, including the Supreme Court.  3. The question at hand is whether the case 'arises under' federal law as construed in 28 U.S.C. §1331 and in Article III, §2 of the United States Constitution.  \*\*Final Answer:\*\*  Based on the legal reasoning, I conclude that:  \*\*Option C: This case 'arises under' federal law as that phrase is construed in Article III, §2 of the United States Constitution, but not as construed in 28 U.S.C. §1331.\*\*  The case 'arises under' federal law as construed in Article III, §2 because the federal issue (the federal statute making the sale of high-risk securities illegal) forms an ingredient of the case, as Chief Justice Marshall concluded in Osborn v. Bank of the United States. However, the case does not 'arise under' federal law as construed in 28 U.S.C. §1331 because the plaintiff's complaint does not solely focus on federal law, but rather on a breach of contract claim. Therefore, the case would not meet the Mottley test. |
| **GPT-3.5-turbo Analysis:**  1. The plaintiff, Eleanor, is suing Franklin for breach of contract, claiming that he failed to deliver certain high-risk securities as agreed upon.  2. Franklin is defending himself by stating that a federal statute was passed after the agreement was made, making such sales illegal.  3. The defense raised by Franklin involves a federal statute, which means a federal issue is being raised as a defense in the case.  4. Chief Justice Marshall in Osborn v. Bank of the United States concluded that a case arises under federal law if a federal issue is raised as a defense.  5. Therefore, based on the legal reasoning provided in the context, this case 'arises under' federal law as that phrase is construed in both 28 U.S.C. §1331 and in Article III, §2 of the United States Constitution.  6. Final Answer: Option B. This case ‘‘arises under’’ federal law as that phrase is construed in both 28 U.S.C. §1331 and in Article III, §2 of the United States Constitution. |
| **GPT-4-turbo Analysis:**  1. \*\*Understanding the Legal Context\*\*: The legal context provided distinguishes between the constitutional and statutory interpretations of "arising under" jurisdiction. Article III, §2 of the Constitution is interpreted broadly, allowing federal courts to hear cases as long as a federal issue "forms an ingredient" of the case. This includes cases where federal law is raised as a defense or counterclaim. In contrast, 28 U.S.C. §1331, as interpreted by the Mottley rule, requires that the federal issue must be presented in the plaintiff's complaint for the case to "arise under" federal law.  2. \*\*Analyzing the Case Facts\*\*: In the given scenario, Eleanor sues Franklin for breach of contract in a state court. Franklin's defense is based on a federal statute that was enacted after the agreement but before the delivery date, making the sale illegal. Here, the federal issue (the legality of the sale under federal law) is raised as a defense by Franklin, not in Eleanor's complaint.  3. \*\*Applying the Legal Context to the Facts\*\*: According to the Mottley rule and the interpretation of 28 U.S.C. §1331, the case does not "arise under" federal law because the federal issue is not part of the plaintiff's (Eleanor's) complaint but is instead a defense raised by Franklin. However, under Article III, §2, as interpreted in Osborn v. Bank of the United States, the case does "arise under" federal law because a federal issue forms an ingredient of the case, even though it is raised as a defense.  4. \*\*Conclusion\*\*: Based on the above analysis, the correct interpretation aligns with the scenario where the case "arises under" federal law as construed in Article III, §2 of the Constitution due to the presence of a federal issue as a defense, but not under 28 U.S.C. §1331, where the federal issue must originate from the plaintiff's complaint.  [Final Answer: C. This case ‘‘arises under’’ federal law as that phrase is construed in Article III, §2 of the United States Constitution, but not as construed in 28 U.S.C. §1331.] |
| **Llama-3.1-405b-instruct Analysis:**  Here's the step-by-step explanation of the legal reasoning:  1. The case involves a breach of contract claim by Eleanor against Franklin, with Franklin defending on the ground that a federal statute made the sale of the securities illegal after the agreement but before the delivery date.  2. According to the Mottley rule, which interprets 28 U.S.C. §1331, a case "arises under" federal law only if the plaintiff's complaint raises a federal issue. In this case, Eleanor's complaint is based on a breach of contract, which is a state law issue, not a federal issue.  3. However, Franklin's defense is based on a federal statute, which raises a federal issue. But, according to the Mottley rule, a federal defense is not sufficient to establish "arising under" jurisdiction under 28 U.S.C. §1331.  4. On the other hand, Article III, §2 of the United States Constitution grants jurisdiction to federal courts over cases "arising under" federal law, and the Supreme Court has interpreted this phrase more broadly in Osborn v. Bank of the United States. According to this interpretation, a case "arises under" federal law if a federal issue "forms an ingredient" of the case.  5. In this case, Franklin's federal defense "forms an ingredient" of the case, so the case would fall under the Article III, §2 grant of jurisdiction.  6. Therefore, the case "arises under" federal law as construed in Article III, §2 of the United States Constitution, but not as construed in 28 U.S.C. §1331.  Final Answer: C |
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| **Human Annotator Analysis of Mistral-7B:**  [1] The legal context provides that the phrase "arising under federal law" in Article III, §2 of the Constitution and in 28 U.S.C. §1331 has different meanings. (Correct)  [2] The Supreme Court has interpreted the phrase "arising under federal law" in Article III, §2 more broadly than in 28 U.S.C. §1331. In Osborn v. Bank of the United States, the Court held that federal law forms an ingredient of a case if a federal issue is raised as a defense or as a counterclaim. (Correct)  [3] In the given case, Eleanor sues Franklin for breach of contract, and Franklin defends on the ground that a federal statute was passed making such sales illegal after the agreement but before the delivery date. (Correct)  [4] A federal issue is raised as a defense in this case, and thus, federal law forms an ingredient of the case. (Correct)  [5] Therefore, the case "arises under" federal law as that phrase is construed in Article III, §2 of the United States Constitution. (Correct)  [Final Answer: C. This case ‘‘arises under’’ federal law as that phrase is construed in Article III, §2 of the United States Constitution, but not as construed in 28 U.S.C. §1331.]  (Correct Conclusion from Incomplete Premises) - the LLM does explain that the case “arises under” as described in Article III of the Constitution but does not address why it does not “arise under” in the 28 U.S.C. §1331 interpretation. |
| **Human Annotator Analysis of Llama-3-8b-instruct:**  Here is the response:  \*\*Explanation of legal reasoning:\*\*  1. The legal context provided discusses the relation between constitutional and statutory limits on 'arising under' jurisdiction. Specifically, it highlights the difference in interpretation between Article III, §2 of the Constitution and 28 U.S.C. §1331, the statute conveying arising-under jurisdiction to federal district courts.(Correct)  2. The context also explains that the Supreme Court has interpreted the phrase 'arising under federal law' in the statute to focus solely on the plaintiff's complaint, whereas Article III defines the constitutional limits of the jurisdiction of all federal courts, including the Supreme Court.(Correct)  3. The question at hand is whether the case 'arises under' federal law as construed in 28 U.S.C. §1331 and in Article III, §2 of the United States Constitution.(Correct)  \*\*Final Answer:\*\*  Based on the legal reasoning, I conclude that:  \*\*Option C: This case 'arises under' federal law as that phrase is construed in Article III, §2 of the United States Constitution, but not as construed in 28 U.S.C. §1331.\*\*  The case 'arises under' federal law as construed in Article III, §2 because the federal issue (the federal statute making the sale of high-risk securities illegal) forms an ingredient of the case, as Chief Justice Marshall concluded in Osborn v. Bank of the United States. However, the case does not 'arise under' federal law as construed in 28 U.S.C. §1331 because the plaintiff's complaint does not solely focus on federal law, but rather on a breach of contract claim. Therefore, the case would not meet the Mottley test.(Correct)  Annotator Remarks: The LLM made the right conclusion from the right premises. |
| **Human Annotator Analysis of GPT-3.5-turbo:**  1. The plaintiff, Eleanor, is suing Franklin for breach of contract, claiming that he failed to deliver certain high-risk securities as agreed upon. (Correct)  2. Franklin is defending himself by stating that a federal statute was passed after the agreement was made, making such sales illegal. (Correct)  3. The defense raised by Franklin involves a federal statute, which means a federal issue is being raised as a defense in the case. (Correct)  4. Chief Justice Marshall in Osborn v. Bank of the United States concluded that a case arises under federal law if a federal issue is raised as a defense. (Correct)  5. Therefore, based on the legal reasoning provided in the context, this case 'arises under' federal law as that phrase is construed in both 28 U.S.C. §1331 and in Article III, §2 of the United States Constitution. (Incorrect)  Wrong Conclusion from Incomplete Premise:  The case ‘arises under’ federal law as construed in Article III, §2 of the Constitution because the federal issue is part of the case, as concluded by Chief Justice Marshall in Osborn v Bank of the United States. However, the case does not ‘arise under’ federal law as construed in 28 U.S.C. §1331 because complaint does not solely focus on federal law, but rather on a breach of contract claim. It does not meet the Mottley test.  6. Final Answer: Option B. This case ‘‘arises under’’ federal law as that phrase is construed in both 28 U.S.C. §1331 and in Article III, §2 of the United States Constitution. |
| **Human Annotator Analysis of GPT-4-turbo:**  1. \*\*Understanding the Legal Context\*\*: The legal context provided distinguishes between the constitutional and statutory interpretations of "arising under" jurisdiction. Article III, §2 of the Constitution is interpreted broadly, allowing federal courts to hear cases as long as a federal issue "forms an ingredient" of the case. This includes cases where federal law is raised as a defense or counterclaim. In contrast, 28 U.S.C. §1331, as interpreted by the Mottley rule, requires that the federal issue must be presented in the plaintiff's complaint for the case to "arise under" federal law. (Correct)  2. \*\*Analyzing the Case Facts\*\*: In the given scenario, Eleanor sues Franklin for breach of contract in a state court. Franklin's defense is based on a federal statute that was enacted after the agreement but before the delivery date, making the sale illegal. Here, the federal issue (the legality of the sale under federal law) is raised as a defense by Franklin, not in Eleanor's complaint. (Correct)  3. \*\*Applying the Legal Context to the Facts\*\*: According to the Mottley rule and the interpretation of 28 U.S.C. §1331, the case does not "arise under" federal law because the federal issue is not part of the plaintiff's (Eleanor's) complaint but is instead a defense raised by Franklin. However, under Article III, §2, as interpreted in Osborn v. Bank of the United States, the case does "arise under" federal law because a federal issue forms an ingredient of the case, even though it is raised as a defense. (Correct)  4. \*\*Conclusion\*\*: Based on the above analysis, the correct interpretation aligns with the scenario where the case "arises under" federal law as construed in Article III, §2 of the Constitution due to the presence of a federal issue as a defense, but not under 28 U.S.C. §1331, where the federal issue must originate from the plaintiff's complaint. (Correct)  [Final Answer: C. This case ‘‘arises under’’ federal law as that phrase is construed in Article III, §2 of the United States Constitution, but not as construed in 28 U.S.C. §1331.](Correct) |
| **Human Annotator Analysis of Phi-3-medium-128k-instruct-2-ICL:**  1. Article III, §2 of the Constitution provides that federal courts may hear cases 'arising under' federal law. This establishes the constitutional limits of federal court jurisdiction.  2. 28 U.S.C. §1331, the statute conveying arising-under jurisdiction to the federal district courts, uses the same language as Article III, §2. However, the Supreme Court has interpreted the phrase 'arising under federal law' in the statute to focus solely on the plaintiff's complaint.  3. The Supreme Court has interpreted the scope of the Article III arising-under jurisdiction more broadly than the Mottley rule's construction of the arising-under statute. In Osborn v. Bank of the United States, the Court concluded that the Article III grant of jurisdiction over cases arising under federal law applies as long as a question of federal statutory or constitutional law 'forms an ingredient' of the case.  4. In the given scenario, Franklin raises a federal issue as a defense, which means that federal law 'forms an ingredient' of the case. Therefore, the case 'arises under' federal law as that phrase is construed in Article III, §2 of the United States Constitution.  5. However, the Supreme Court has interpreted the phrase 'arising under federal law' in 28 U.S.C. §1331 to focus solely on the plaintiff's complaint. Since the federal issue is raised as a defense and not in the plaintiff's complaint, the case does not 'arise under' federal law as that phrase is construed in 28 U.S.C. §1331.  [Final Answer with the correct option]  C. This case 'arises under' federal law as that phrase is construed in Article III, §2 of the United States Constitution, but not as construed in 28 U.S.C. §1331. |