

# STUDENT PERCEPTIONS: FACTUAL AMBIGUITY AND CASE ANALYSIS

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## ABSTRACT

Undergraduate business law students often do not consider whether facts in a case support an opposing viewpoint. Since the outcome of a case and the persuasiveness of an analysis depend on how facts are interpreted, this oversight impedes the decision-making process.

The purpose of this project is to study whether students perceive facts as being unambiguous and whether preconceived notions about facts affect how students approach a case analysis. In the study, students evaluate a case and complete an initial survey. Students reevaluate the case and complete a post-activity survey after reviewing evidence showing how each fact in the case has more than one interpretation that impacts the outcome of the case. The results of this study highlight student assumptions about the nature of facts.

## INTRODUCTION

In the study, students applied the law to the facts in a case to determine whether a hired worker should be classified as an employee or an independent contractor. The case was developed for this project and included numerous, relevant facts. In analyzing the case, students described how specific facts in the case supported their conclusions. After deciding the outcome of the case, students reviewed a factual ambiguity summary which illustrated that each fact in the case could be used to prove that the worker was an independent contractor or that the worker was an employee, depending on how the fact was interpreted.



## METHOD

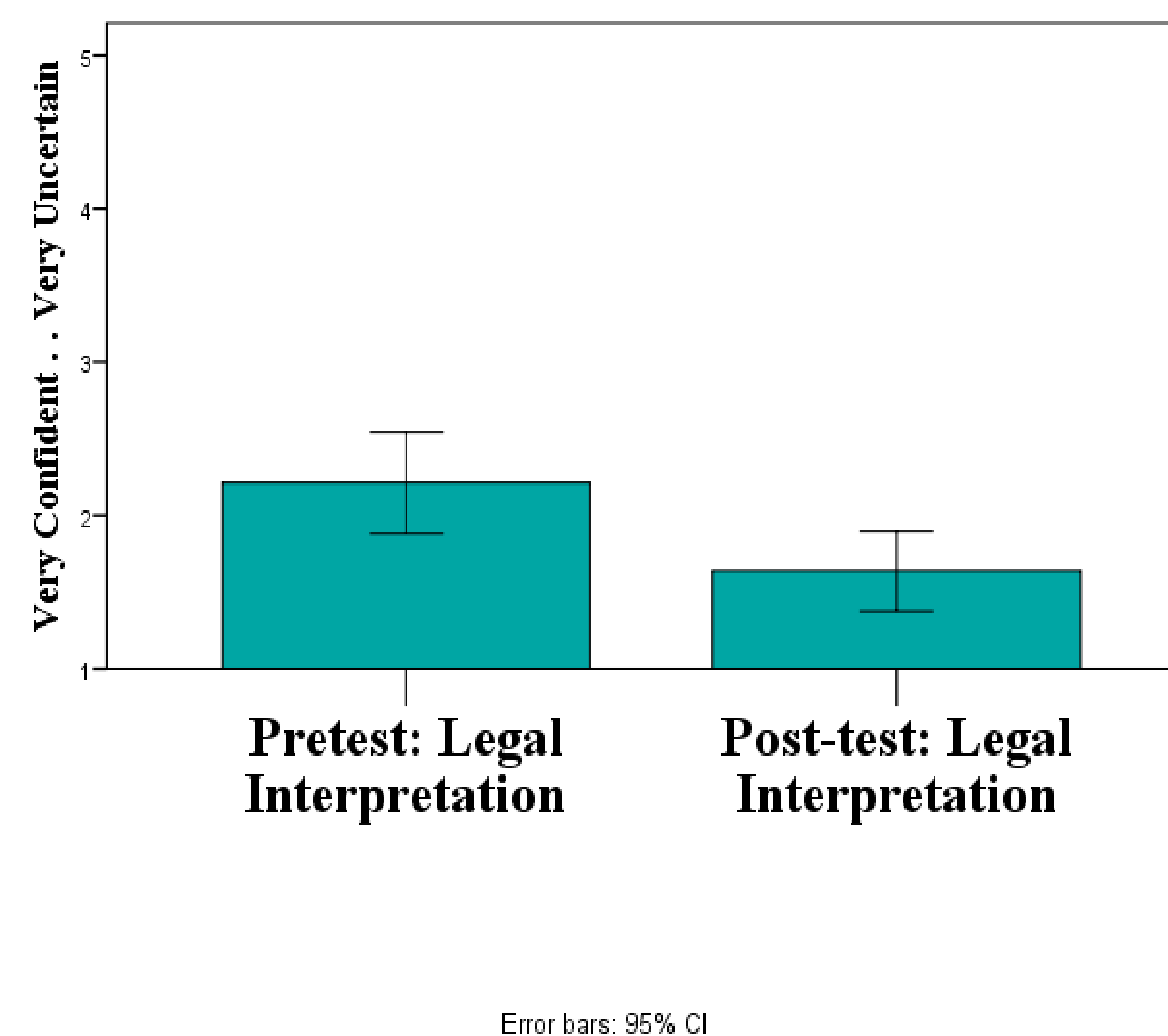
This project used pre-exercise and post-exercise surveys to collect student data. Additional data was obtained from case analyses in which students explained how specific facts in a case supported their conclusions.

The data provided feedback on two issues:

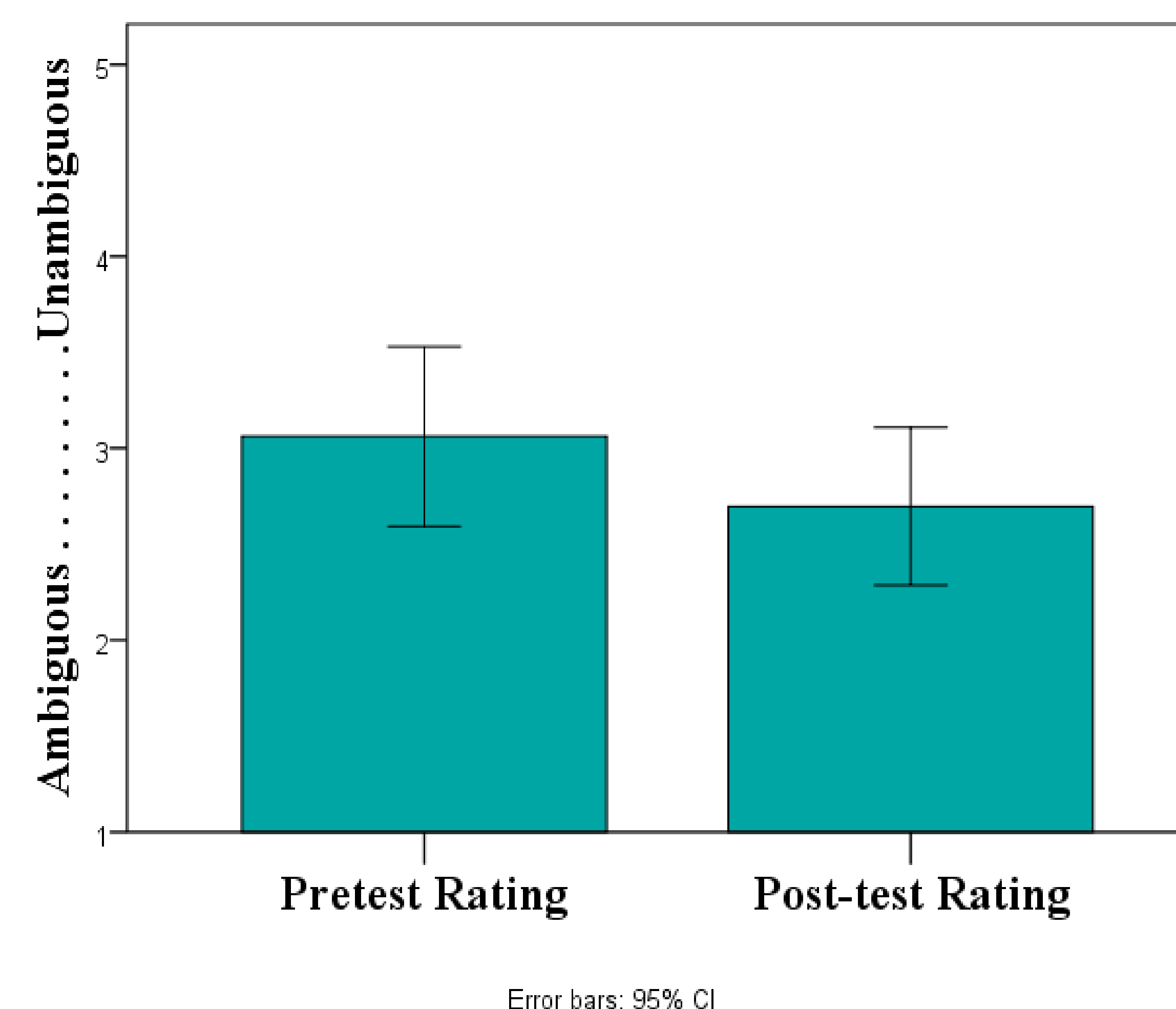
- The degree to which students perceive facts as being subject to interpretation
- Student confidence levels in reaching a legal conclusion using facts from a case

## RESULTS

Students Are More Confident in Legal Conclusions After Participating in Ambiguity Exercise



Students Perceive Facts as Ambiguous



## IMPLICATIONS

### STUDENT FEEDBACK

*"I think that facts of a case are many times inconsequential until a lawyer makes sense of them. I will be more likely to . . . look for supporting details when I decide an outcome of a case."*

*"Instead of looking at a fact and deciding which argument it favors, I will now begin to look at how particular facts impact both sides of the argument. Using this information, I will then be able to present a better argument myself."*

*"[A]lthough the case was clearly setup to be almost completely ambiguous, most likely more cases are slightly ambiguous even if it is not to this degree."*



## CONCLUSION

The results of this study suggest that exercises designed to explore the significance of factual interpretation help students develop confidence in their case analysis skills. The study also shows that students perceive facts as being subject to interpretation even though students may not fully address alternate interpretations of facts in a case analysis.

## REFERENCES

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- Guzior, D, Ward, F. and Malani, A. (2009), *Ambiguity about Ambiguity: An Empirical Inquiry into Legal Interpretation*, University of Chicago Public Law & Legal Theory Working Paper No. 280.

## ACKNOWLEDGEMENTS

- Provost Patricia Kleine, University of Wisconsin- Eau Claire, and the Office of Professional and Instructional Development (OPID) for their support of the Wisconsin Teaching Fellows and Scholars (WTFs) Program.
- Alison Staudinger and David Voelker, co-directors of the WTFs program, for their guidance
- April Bleske-Recheck for assistance with data analysis