LWI Online AI Conference: June 3, 2025

Panelists: Boley Law Library Director Rob Truman and Prof. Bill Chin

***No need to log in to Lexis or Westlaw?: What general-purpose generative AI tools can do now for anyone including student legal researchers and legal CREAC writers***

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| To: LWI members  From: Prof. Bill Chin (using Gemini and ChatGPT 4o to write a legal memo employing the CREAC structure) |

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| Q: Do the responses by Gemini and ChatGPT help the attorney or law student write the legal memo more efficiently or effectively or both? |

**I. The Prompt to Gemini (May 27, 2025)**

**A. The Prompt**:

You are an expert lawyer. Your client is Tina Talli. You are writing a legal memo to the supervising lawyer to answer the question of **whether the flying car that Talli took is a “vehicle.”** **Use the *McBoyle* case** that is added below, along with the **client’s facts** added below, to write the legal memo by applying the McBoyle case to the client’s facts to write the legal memo.

Organize your legal memo **using the CREAC structure**, which is also known as the TRAC or IRAC structure. When using the CREAC structure, provide the following parts in the following order. Start with a **concise heading using Roman numeral I** that states your conclusion. Then under that heading, add the **Rule and Explanation paragraph by stating relevant rules** relating to the meaning of the word vehicle, and follow by adding the **holding** and **reasoning** of the court case relating to the issue of the meaning of the word vehicle.

Then start a new paragraph called the **Application paragraph**, which begins with a word such as **“Analogously” or “Contrastingly”** followed by your legal analysis that either **analogizes or distinguishes** the McBoyle facts and your client’s facts. When analogizing or distinguishing, provide **specific facts** and put the **facts being compared close together**. Then end your legal memo by adding a **concise Conclusion sentence**. Also, if you are making multiple points in the legal memo, use words such as **First, Second, and so** on to identify each point. Further, **quote** significant words from the documents when you use significant words in your legal memo. Also, **add citations** that cite the McBoyle case and the client's facts when writing the legal memo.

**Below is the McBoyle case.**

*McBoyle v. United States*, 51 S. Ct. 340 (1931)

Supreme Court of the United States

McBOYLE

v.

UNITED STATES.

No. 552.

Argued Feb. 26, 27, 1931.

Decided March 9, 1931.

**Synopsis**

On Writ of Certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

William W. McBoyle was convicted of transporting between states an airplane known to have been stolen, judgment being affirmed by the Circuit Court of Appeals ([43 F.(2d) 273),](https://www.westlaw.com/Link/Document/FullText?findType=Y&serNum=1930125037&pubNum=350&originatingDoc=I0e6940649cb611d9bdd1cfdd544ca3a4&refType=RP&originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.UserEnteredCitation)) and he brings certiorari.

Reversed.

Attorneys and Law Firms

**\*\*340** **\*25** Mr. Harry F. Brown, of Guthrie, Okl., for petitioner.

The Attorney General and Mr. Claude R. Branch, of Providence, R. I., for the United States.

**Opinion**

Mr. Justice HOLMES delivered the opinion of the Court.

The petitioner **was convicted of transporting from Ottawa, Illinois, to Guymon, Oklahoma, an airplane that he knew to have been stolen**, and was sentenced to serve three years’ imprisonment and to pay a fine of $2,000. The judgment was affirmed by the Circuit Court of Appeals for the Tenth Circuit. [43 F.(2d) 273.](https://www.westlaw.com/Link/Document/FullText?findType=Y&serNum=1930125037&pubNum=350&originatingDoc=I0e6940649cb611d9bdd1cfdd544ca3a4&refType=RP&originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.UserEnteredCitation)) A writ of certiorari was granted by this Court on the **question whether the National Motor Vehicle Theft Act applies to aircraft**. **\*26** Act of October 29, 1919, c. 89, 41 Stat. 324, U. S. Code, title 18, s 408 (18 USCA s 408). That **Act** provides: ‘Sec. 2. That when used in this Act: (a) The term **‘motor vehicle’ shall include an automobile, automobile truck, automobile wagon, motor cycle, or any other self-propelled vehicle not designed for running on rails**. \* \* \* Sec. 3. That whoever shall transport or cause to be transported in interstate or foreign commerce a motor vehicle, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both.’

Section 2 defines the motor vehicles of which the transportation in interstate commerce is punished in Section 3. The **question is the meaning of the word ‘vehicle’ in the phrase ‘any other self-propelled vehicle not designed for running on rails.’** No doubt etymologically it is possible to use the word to signify a conveyance working on land, water or air, and sometimes legislation extends the use in that direction, e. g., land and air, water being separately provided for, in the Tariff Act, September 21, 1922, c. 356, s 401(b), 42 Stat. 858, 948 ([19 USCA s 231(b)](https://www.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000546&cite=19USCAS231&originatingDoc=I0e6940649cb611d9bdd1cfdd544ca3a4&refType=LQ&originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.UserEnteredCitation)). But in **everyday speech ‘vehicle’ calls up the picture of a thing moving on land**. Thus in Rev. St. s 4 ([1 USCA s 4)](https://www.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000546&cite=1USCAS4&originatingDoc=I0e6940649cb611d9bdd1cfdd544ca3a4&refType=LQ&originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.UserEnteredCitation)) intended, the Government suggests, rather to enlarge than to restrict the definition, vehicle includes every contrivance capable of being used ‘as a means **\*\*341** of transportation on land.’ And this is repeated, expressly excluding aircraft, in the Tariff Act, June 17, 1930, c. 497, s 401(b), 46 Stat. 590, 708 ([19 USCA s 1401)](https://www.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000546&cite=19USCAS1401&originatingDoc=I0e6940649cb611d9bdd1cfdd544ca3a4&refType=LQ&originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.UserEnteredCitation)). So here, the phrase under discussion calls up the popular picture. For after including automobile truck, automobile wagon and motor cycle, the words ‘any other self-propelled vehicle not designed for running on rails’ still indicate that a vehicle in the popular sense, that is a **vehicle running on land is the theme**. It is a vehicle that runs, not something, not commonly called a vehicle, that flies. **Airplanes were well known in 1919 when this statute was passed, but it is admitted that they were not mentioned in the reports or in the debates in Congress**. **\*27** It is impossible to read words that so carefully enumerate the different forms of motor vehicles and have no reference of any kind to aircraft, as including airplanes under a term that usage more and more precisely confines to a different class. The counsel for the petitioner have shown that the phraseology of the statute as to motor vehicles follows that of earlier statutes of Connecticut, Delaware, Ohio, Michigan and Missouri, not to mention the late Regulations of Traffic for the District of Columbia, title 6, c. 9, s 242, none of which can be supposed to leave the earth.

Although it is not likely that a criminal will carefully consider the text of the law before he murders or steals, it is reasonable that a **fair warning** should be given to the world in language that the common world will understand, of what the law intends to do if a certain line is passed. To make the warning fair, so far as possible the line should be clear. When a rule of conduct is laid down in words that evoke in the common mind only the picture of vehicles moving on land, the statute should not be extended to aircraft simply because it may seem to us that a similar policy applies, or upon the speculation that if the legislature had thought of it, very likely broader words would have been used. [United States v. Bhagat Singh Thind, 261 U. S. 204, 209, 43 S. Ct. 338, 67 L. Ed. 616](https://www.westlaw.com/Link/Document/FullText?findType=Y&serNum=1923123496&pubNum=708&originatingDoc=I0e6940649cb611d9bdd1cfdd544ca3a4&refType=RP&originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.UserEnteredCitation)).

Judgment reversed.

**Below are the client’s facts to use in writing your legal memo.**

Tina Talli is the client. **Tina Talli and her spouse, Ted Tindle, purchased a flying car** last year and kept it in their house garage in North Plains, Oregon. The flying car is called AeroProFlo and built by a company located in Hillsboro, Oregon. It is a three-wheeled vehicle that can drive and fly. It has features and characteristics that are similar to the flying car called the Switchblade built by the Samson Sky Company. The AeroProFlo seats two people. When driven, it travels 30 miles per gallon and has a top speed of 80 miles per hour. The deployment of the wings and tail takes about three minutes. When flying, it has a maximum range of 400 miles and its top speed is 200 miles per hour. **Tina Talli and her spouse separated**. When Talli left the relationship and the house in North Plains, **Talli drove the AeroProFlo out of the garage and then flew it to Vancouver, Washington State**, where she now lives. Talli took the AeroProFlo without her spouse’s consent. Her spouse contacted law enforcement to report the alleged theft. Federal law enforcement filed a theft charge against Tina Talli under the National Motor Vehicle Theft Act as mentioned in the *McBoyle v. United States* court case.

**B. The Response:**

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| To: Supervising Lawyer  From: [Your Name]  Date: May 27, 2025  RE: Whether Tina Talli's AeroProFlo Flying Car is a "Vehicle" under the National Motor Vehicle Theft Act  **I. Conclusion**  Tina Talli's AeroProFlo flying car is likely not a "vehicle" within the meaning of the National Motor Vehicle Theft Act, as the statute's definition of "motor vehicle" primarily contemplates conveyances moving on land.  **Rule and Explanation**  The National Motor Vehicle Theft Act, enacted in 1919, defines "motor vehicle" to "include an automobile, automobile truck, automobile wagon, motor cycle, or any other self-propelled vehicle not designed for running on rails." (McBoyle, 51 S. Ct. at 340). In McBoyle v. United States, the Supreme Court addressed whether an airplane constituted a "motor vehicle" under this Act.  The Court **held** that despite the etymological possibility of the word "vehicle" signifying a conveyance working on land, water, or air, "**in everyday speech** **‘vehicle’ calls up the picture of a thing moving on land**." (McBoyle, 51 S. Ct. at 340).  The Court **reasoned** that the specific enumeration of automobiles, trucks, wagons, and motorcycles in the statute indicated that "the words ‘any other self-propelled vehicle not designed for running on rails’ still indicate that a vehicle in the popular sense, that is a **vehicle running on land is the theme**." (McBoyle, 51 S. Ct. at 341).  **First**, the Court emphasized that it is a "vehicle that **runs**, **not** something, not commonly called a vehicle, **that flies**." (McBoyle, 51 S. Ct. at 341).  **Second**, the Court noted that "**Airplanes** were well known in 1919 when this statute was passed, but it is admitted that they were **not mentioned in the reports** or in the debates in Congress." (McBoyle, 51 S. Ct. at 341).  **Third**, the Court stated that "it is impossible to read words that so carefully enumerate the different forms of motor vehicles and have no reference of any kind to aircraft, as including airplanes under a term that usage more and more precisely confines to a different class." (McBoyle, 51 S. Ct. at 341).  **Finally**, the Court underscored the **principle of providing "fair warning"** in criminal statutes, stating that "When a rule of conduct is laid down in words that evoke in the common mind only the picture of vehicles moving on land, the statute should not be extended to aircraft simply because it may seem to us that a similar policy applies, or upon the speculation that if the legislature had thought of it, very likely broader words would have been used." (McBoyle, 51 S. Ct. at 341).  [Note: Bill added extra paragraph breaks above.]  **Application**  **Analogously**, to the airplane in McBoyle, Tina Talli's AeroProFlo flying car, while capable of both driving and flying, is primarily defined by its aerial capabilities, leading to the conclusion that it is **not a "vehicle"** as intended by the National Motor Vehicle Theft Act.  **First**, like the airplane in McBoyle which the Court characterized as something that "flies" rather than "runs" (McBoyle, 51 S. Ct. at 341), the AeroProFlo is explicitly described as a "flying car" that Talli "flew...to Vancouver, Washington State" (Client's Facts). While it can "drive," its ultimate purpose and capability extend beyond typical land-based vehicles.  **Second**, similar to how airplanes were "well known in 1919 when this statute was passed" but "not mentioned in the reports or in the debates in Congress" (McBoyle, 51 S. Ct. at 341), the National Motor Vehicle Theft Act was passed in 1919, a time when flying vehicles, even in rudimentary forms, existed, yet the Act made no specific reference to them. The "careful enumeration" of "automobile, automobile truck, automobile wagon, motor cycle" in the statute (McBoyle, 51 S. Ct. at 340) suggests a legislative intent to limit the Act's scope to land-based conveyances.  **Third**, the fact that the AeroProFlo has features for both driving and flying, including the "deployment of the wings and tail" for flight and a "maximum range of 400 miles" and a "top speed is 200 miles per hour" when "flying" (Client's Facts), **distinguishes** it from the common understanding of a "motor vehicle" that "calls up the picture of a thing moving on land" (McBoyle, 51 S. Ct. at 340). Even though it can drive, its unique ability to fly positions it outside the "different class" of vehicles that "usage more and more precisely confines" to land travel (McBoyle, 51 S. Ct. at 341).  Just as the McBoyle Court emphasized the need for **"fair warning"** in criminal statutes (McBoyle, 51 S. Ct. at 341), extending the definition of "motor vehicle" to include a flying car like the AeroProFlo, which was not contemplated by the original legislative language, would undermine this principle.  [Note: Bill added extra paragraph breaks above along with highlighting features. Also, the word “Finally” could be added to the fourth point (fair warning) above.]  **Conclusion**  Based on the reasoning in McBoyle, the AeroProFlo flying car, despite its limited driving capabilities, is not a "motor vehicle" under the National Motor Vehicle Theft Act due to its primary function and characteristics as an aircraft. |

**II. The Same Prompt to ChatGPT 4.0 (May 27, 2025)**

**A. The Prompt:** (same as above)

**B. The Response:**

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| **INTER-OFFICE MEMORANDUM**  **To:** Supervising Attorney **From:** [Your Name], Associate **Date:** [Insert Date] **Re:** Whether Tina Talli’s AeroProFlo flying car qualifies as a “vehicle” under the National Motor Vehicle Theft Act  **I. Under the reasoning in *McBoyle v. United States*, the AeroProFlo flying car is likely not a “vehicle” within the meaning of the National Motor Vehicle Theft Act because the statute does not clearly encompass aircraft, and the AeroProFlo flies.**  **Rule and Explanation**  The National Motor Vehicle Theft Act punishes anyone who “transports or causes to be transported in interstate or foreign commerce a motor vehicle, knowing the same to have been stolen.” 18 U.S.C. § 408. The statute defines **“motor vehicle”** to include “an **automobile, automobile truck, automobile wagon, motor cycle, or any other self-propelled vehicle not designed for running on rails**.” *McBoyle v. United States*, 283 U.S. 25, 26 (1931).  In *McBoyle*, the Supreme Court **held** that an **airplane was not a “vehicle”** under this Act. The Court **reasoned** that  [1] although “vehicle” could etymologically include air, land, or watercraft, “in **everyday speech** ‘vehicle’ calls up the picture of a **thing moving on land**.” *Id.* at 26.  [2] The Court emphasized the principle of **fair warning** in criminal statutes: laws must give “clear” notice in language the “common world will understand” so that people can know what conduct is prohibited. *Id.* at 27.  [3] The Court found it “impossible” to interpret “vehicle” to include aircraft, given that **aircraft were not mentioned in the legislative history** and that the statutory language more naturally referred to land-based conveyances. *Id.* at 26–27.  [Note: Bill added the three bracketed numbers above along with other highlighting features.]  **Application**  **Analogously**, the AeroProFlo flying car shares key characteristics with the airplane in *McBoyle* in that it is capable of flying and was in fact used to fly across state lines. Like the airplane in *McBoyle*, the AeroProFlo is not designed solely for travel on land. While it does have wheels and can be driven at speeds of up to 80 miles per hour on the ground (Client Facts), its wings and tail allow it to transform into an aircraft with a flight range of 400 miles and a top airspeed of 200 miles per hour. *Id.* This aerial capacity distinguishes it from the land-based vehicles enumerated in the Act, such as automobiles and motorcycles. As in *McBoyle*, the statute contains no reference to flying cars or hybrid aerial vehicles, and thus fails to give clear notice that such vehicles fall within its scope.  **First**, while the AeroProFlo can operate on roads, its classification is not solely that of a land vehicle. The **flying capability is central to its function, just as flight was to the airplane in *McBoyle***. The transformation time of three minutes and integrated aviation features (Client Facts) further reinforce that the AeroProFlo is not merely a modified car, but a dual-function vehicle designed for air travel.  **Second**, Talli **used the AeroProFlo in a manner consistent with its aerial capability**: she drove it out of the garage in North Plains, Oregon, and then **flew** it to Vancouver, Washington (Client Facts). As in *McBoyle*, where the defendant transported the aircraft by flying it across state lines, Talli’s conduct involves the interstate transport of an aircraft-like vehicle through the air, rather than a conventional land-based vehicle. This method of transportation emphasizes the vehicle’s non-land-based identity, which is critical to the Court’s reasoning in *McBoyle*. *283 U.S. at 27.*  **Third**, applying the *McBoyle* reasoning prevents expanding the meaning of “vehicle” to **new technologies not contemplated by Congress when the law was enacted**. As Justice Holmes warned, criminal statutes should not be extended by analogy, even if the policy considerations would support such expansion. *Id.* at 27. Flying cars were not within the common understanding of “vehicle” in 1919, and the statute has not been amended to expressly include them.  **Conclusion**  Because the AeroProFlo is designed for and was used in aerial transport, and because the National Motor Vehicle Theft Act does not clearly include flying cars in its definition of “vehicle,” Tina Talli’s alleged interstate transport of the **AeroProFlo is likely not covered by the Act** under the reasoning of *McBoyle v. United States*, 283 U.S. 25 (1931). |