

## **Federal Legal Research Assignment**

by Amy Wright

This federal research assignment concentrates upon the federal physician self-referral statute, commonly referred to as the Stark statute, which prohibits physicians from referring patients for certain Medicare and Medicaid-covered designated health services to entities with which they have a financial relationship. There are several detailed exceptions to this referral prohibition set forth in 42 U.S.C. sec. 1395nn and refined in the accompanying regulations, which can be found at 42 C.F.R. secs. 411.350 *et seq.*

To create this graded exercise, I drew upon some of the common assignments given to me as a first-year health law associate. It is designed to test students' ability to find relevant secondary sources and federal statutory *and* regulatory law, then apply that law to a fairly simple fact pattern about a hospital's physician recruitment package. Because students often don't receive adequate exposure to regulatory research in other law school courses, I wanted to create an assignment that would mimic the regulatory research that junior attorneys are often asked to do in law firms and government agencies. I also chose this area of the law because there are only a handful of cases that address the issue, and students must analyze the statute and its accompanying regulations carefully to reach the correct substantive conclusions about the law instead of relying heavily on case law.

The assignment also requires students to complete a timesheet that tracks the amount of time that they spend on research activities and the amount of money that they spend on electronic research. Timesheet entries must be client-friendly – to receive credit for this portion of the assignment, students must discuss each research activity with sufficient specificity and show forward progress on the client's project. I discuss timesheet entries with them in class before I hand out this assignment so that they understand what I am expecting to see on timesheets.