

## OUTLINING FOR FIRST YEAR STUDENTS

### WHAT SHOULD YOU EXPECT FROM THIS SESSION?

- An understanding of why you might want to outline your courses
- Some alternative approaches to outlining
- Some helpful information regarding time management and learning styles
- Helpful tips based on students' personal experience

### WHAT IS OUTLINING?

- A personal method of summarizing and synthesizing course material in order to learn it. Outlining can involve several steps, as described below.

### WHY DO AN OUTLINE?

- Because you are tired of talking and worrying about doing an outline!
- Because outlining forces you to develop a "big picture" organization of each course that you will need in order to succeed on law school exams. This is a very satisfying antidote to the fragmenting experience of the first year.
- Because outlining teaches you to synthesize the material by organizing many cases under a rule of law and to let go of unimportant or irrelevant information.
- Because preparing an outline is an exercise in active learning and thus is an effective aid to memory.
- Because outlining prepares you to address legal problems in practice, when you must regularly analyze a problem or situation presented by a client to determine what legal issues it presents.

### HOW DO YOU OUTLINE?

- With syllabus, casebook, notes and perhaps a study aid at hand, review class notes and "outline" or summarize them in units. You may want to photocopy the table of contents of your casebook as a beginning outline of what the course has covered. Work through the entire course this way.
- After or during this step, raise questions and ambiguities you encounter with members of your study group, classmates, and your professor.
- After you have an outline, consider preparing a shorter document that will serve as a ready reference during the exam itself. To prepare this you will need to identify important issues and sub-issues in the course and perhaps to note relevant key cases.
- Take one or more prior exams in the course and test the usefulness of your outline or "mini-outline" in identifying the issues. Ideally, do this with other people.

## WHEN DO YOU OUTLINE?

- Different learning styles and time management techniques will dictate the best time to start –most students find it useful to start in mid-October.

## SHOULD YOU BE IN A STUDY GROUP?

- Many students find study groups valuable – and begin meeting with a group in October. Groups adopt a variety of formats, e.g., meet once a week to review all courses; meet only to review progress on outlines, etc.
- Some students form study groups toward the end of the semester, after they have completed their outlines. The goal of these groups is to review outlines, clarify and fix the “holes” in each person’s outline, and to take and review past exams.
- Some students find it more productive to prepare and study on their own and to consult classmates and professors as questions arise.
- Follow your instincts about your participation in any study group. If a group is not helpful to you, find another group or a different approach. Be cautious about any plan in which you do not review all the course material yourself.

## MISCELLANEOUS TIPS:

- Pay attention to the hypotheticals in class and include some in your outline and study them. They are the kind of problems that turn up on exams.
- You do not necessarily need to re-read cases in order to outline, but you may want to review some key cases in more detail (for instance, in Constitutional Law).
- Don’t use too many auxiliary sources: they cost too much, can be confusing, and may well divert your focus. Ask your professor to recommend study aids that he or she finds acceptable. Remember, the REAL VALUE of outlining is that it forces you to review and integrate the course material in a way that makes sense to you.
- If possible, finish the outline before exams begin so you can get answers to your questions as they arise -- from your professor, a classmate, or reference material.
- Photocopy one or more (but AT LEAST one) former exams in each subject before Thanksgiving. Divide work among friends or study group members, one person to copy the Torts exams, another Con Law, etc.
- Experiment with different formats for different subjects: for instance, a flow chart might work best for Civil Procedure -- or for a closed book exam.
- DON’T LET THE BEST BE THE ENEMY OF THE GOOD! Get started. Don’t wait until you have whole days to outline. Schedule some chunks of review time beginning now.

## **Sample Outline #1: Traditional outline format**

### **LEGAL JUSTICE SEMINAR**

#### **I. CLASSICAL LEGAL THOUGHT**

##### **A. Formalism**

1. Law consists of formal categories/bright line rules/boxes. E.g.:
  - a. private v. public
  - b. feasance v. nonfeasance
  - c. freedom v. coercion
2. Law is deduced from abstract, uncontroversial, prepolitical principles (Langdel).
  - a. Judges don't make law, they find it.
  - b. All situations can fit within the taxonomy of the law.
  - c. Reason is the justification of the law.
  - d. Results are determinant/neutral.
3. Legislation
  - a. Common law better than statutes
  - b. Distrust of the legislature (based on power not reason)
  - c. Strict interpretation of legislation, otherwise judges would be exercising discretion, which is political.

##### **B. Classical Liberalism**

1. J.S. Mill
  - a. We should be free to choose the course we feel is right.
  - b. Government should only interfere to prevent us from harming others or violating the rights of others (Night watchman Govt.).
  - c. Rights are consistent with utilitarianism (minor point).
2. Tiedeman
  - a. Natural rights are embodied in the constitution.
  - b. Freedom and autonomy should be read into the constitution. The "glittering generalities" form the basis for constitutional protection of rights not specifically enumerated (e.g. Freedom to Contract).
    - i. →Compare this with Luban's Warren Court up the line argument.
3. Private sphere is favored over public sphere.
  - a. Private sphere=freedom
  - b. Public sphere=coercion
  - c. Police Power (public) should only be used to protect private rights.
4. Lochner and Freedom of Contract
  - a. Freedom to K constitutionalized, via the 14<sup>th</sup> amendment (substantive due process)
  - b. Assumes autonomous "economic man" with equal bargaining power
  - c. Laissez faire economic baseline
  - d. Exhibits distrust of legislative branch
    - i. →Compare with Sunstein's "Naked Preferences"

##### **C. Strengths**

1. Predictability
2. Neutrality

## Sample Outline #2: Graphic translation to self

# Financial Accounting Demystified I – *The Financial Statements*

## *Why Do Lawyers Need to Understand Accounting?*

- The financial statement is supposed to convey info to user (creditor, SH). But it does not tell whole story of the business. The lawyer's role is to help client ask the right questions to discover the untold stories in order to gain realistic picture. NOTE: *What* you need to know depends on *why* you need to know it.
  - o Q1: What does business consist of?
    - Look at statement: sales, assets, liabilities, owner's equity...
    - Stories not told in statement: who are customers, ee's, suppliers; where are premises.
  - o Q2: Is business making a profit? (depends upon defn.) Take into account:
    - Depreciation of assets
      - Treated as expense/liability?
    - Inflation
      - What is the purchasing power of the \$\$ if sell today? Does it exceed the purchase price when inflation is accounted for?
    - Realization requirement
      - Offer to buy  $\neq$  purchased for reporting purposes
      - Appreciated value  $\neq$  profit
      - Cannot recognize gain b/f realized
    - *Profits are more than the difference b/w beginning and end of year balances*

## *The Financial Statements: What Do They Tell Us?*

- **Balance Sheet**
  - o "Snapshot" of firm's present condition, listing assets, liability and equity.
  - o Shows profit and loss as reflected in increase/decrease of owner's equity account.
- **Income Statement**
  - o "Moving picture" of results of firm's operations b/w successive balance sheets.
  - o Of particular interest to investors => past performance implies future profits.
    - As a result, not uncommon for mgt to "massage" income statement to inflate profits

**Sample Outline #3: Columns for questions, references**

**NEGLIGENCE: WHAT IS IT? HOW DO WE DEFINE IT?**

(1) duty (2) breach (failure to conform) and hand test(3) actual and proximate cause (causal link) (4) actual damage

- duty, breach, causation, (defenses), damages

<ul style="list-style-type: none"> <li>• Unless acting with negligence or carelessness, no fault; unreasonable risk of harm to P</li> <li>• Hand test: weigh cost of possible injury v. burden to prevent it. Reasonable Care</li> <li>• No stratification of degrees of care; single reasonable person is enough</li> <li>• Reasonable person or ordinary prudence do as D did?</li> </ul>	<ul style="list-style-type: none"> <li>• Brown v. Kendall (two dogs fighting)</li> <li>• US v Carrol Towing (bargee could have sounded alarm).             <ul style="list-style-type: none"> <li>○ Problematic because objective</li> </ul> </li> <li>• Bethel v. New York City.(P hurt on bus when wheelchair lift collapsed.)             <ul style="list-style-type: none"> <li>○ Common carrier’s duty no longer viable</li> </ul> </li> </ul>
---	---

- Range of unknown; hand test: watch out with formulas w/answers

**COMMUNITY STANDARDS**

<ul style="list-style-type: none"> <li>• Question of breach is a question of fact; left for jury</li> <li>• Judges decided law; will reasonable minds differ? If not, directs verdict</li> <li>• Juries decide facts; (1) what really happened, (2) whether D breached duty in way that proximately caused P’s injuries.             <ul style="list-style-type: none"> <li>○ Does conduct satisfy reasonable person standard?</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Baltimore RR v Goodman (man never stopped to look before crossing tracks)             <ul style="list-style-type: none"> <li>○ Holmes: standard of conduct, when standard is clear, should be laid down once and for all by courts. Should be matter of law, for uniformity and predictability.</li> </ul> </li> <li>• Pokora v. Wabash Railway (vision was blocked by boxcars, but heard no whistle, so crossed)             <ul style="list-style-type: none"> <li>○ Cardozo: rule of jury to reflect changes in what constitutes reasonable safety measures. Standards of care declared by courts, but taken over by facts of life.</li> </ul> </li> <li>• Andrews v United Airlines (man is hit by luggage falling from overhead rack): jurors, many of whom fly on planes, can decide whether airline has duty to do more</li> </ul>
---	--

## Sample Outline #4: Traditional detailed outline

### IV. ADMINISTRATIVE ADJUDICATION

#### A. Adjudicatory Due Process

Due process principles govern whether an agency is required to provide a hearing and, if so, what process is required at the hearing. Once it is determined that a hearing is required, federal due process standards govern the contours of the hearing.

##### 1. Timing and Elements of a Hearing

- Due process hearing rights attach when the govt deprives or threatens to deprive a person of life, liberty, or property. [See 5A and 14A]
- Whether or not one buys that there is a substantive due process right to welfare, procedure plays an important role. Once the govt determines will provide such benefits, procedural due process requires that all in class enjoy equal access to.
- Govt benefits, licenses, and govt employment have been recognized by courts as protected “new property” interests. Also includes unemployment compensation, tax exemption, public employment
  - o *Goldberg v. Kelly* (1970):
    - First SC case to recognize due process rights in new property. Held that welfare benefits could not be terminated without first holding a hearing to determine the recipient’s continued eligibility. Pre-termination opportunity for writing not enough. Oral hearing required.
    - Pre-termination hearing need not take form of trial, but a fair hearing. Requires minimum procedural safeguards, adapted to particular characteristics of welfare recipients, and to the limited nature of the controversies to be resolved. Includes need for timely, adequate notice; impartial decisionmaker; and effective opportunity to defend by confronting adverse witnesses and by presenting his own arguments and evidence orally.
    - While hearing here approaches a full-blown hearing, this is likely due to the nature and need of welfare recipients. Court applied a **balancing** between **recipient’s** and **government’s** interests.
      - Court in *Mathews v. Eldridge* (1976) established a balancing test to determine what process is due. Rejected the argument that *Goldberg* requires a pre deprivation hearing any time adverse govt action threatens to cause significant harm. Instead, once it is determined that an action will deprive a person of a protected interest, 3 factors must be considered to determine the level of process due:

### Sample Outline #5: Columns with Questions and Categorical References

	STATUTORY MERGER	TRIANGULAR MERGER	EXCHANGE OF SHARES (STOCK SWAP)	PURCHASE OF ASSETS	TENDER OFFER
<b>Why Choose This Form? (strategy)</b>	<ul style="list-style-type: none"> <li>- ECONOMICS: In straightforward statutory merger, no need to “cash out” T SHs. Instead, they continue to have equity participation in newly combined corp. Only form w/ feature of continuing ownership by T SHs.</li> <li>- EASIEST choice where everyone agrees to the merger b/c assets and liabilities assumed automatically.</li> </ul>	<ul style="list-style-type: none"> <li>- LIMITS LIABILITY: Less risk of P subjecting its assets to unknown/contingent liabilities assoc. w/ T’s business, b/c S shell (not P) assumes T’s liabilities. P’s corporate veil protects its assets</li> <li>- P SHs DON’T VOTE Doesn’t matter if P’s SHs agree or not.</li> <li>- T minority SH eliminated (limits P’s fiduciary duties)</li> <li>- EASE of asset transfer/liability assumption as in stat merger.</li> </ul>	<ul style="list-style-type: none"> <li>- LTD LIABILITY: T acq’d as wholly owned subsidiary, not absorbed into P. Thus, T stays a separate corp, and P protected by corp veil against claims that may be asserted against T</li> <li>- P SHs DON’T VOTE - No need for P SH approval. No need to placate them.</li> <li>- As sub of P, T retains its corporate identity and goodwill.</li> </ul>	<ul style="list-style-type: none"> <li>- NO DILUTION: P’s SH not diluted b/c T SHs don’t get any shares (\$\$ or property)</li> <li>- LIMITS LIABILITY: If T maintained as a Shell Holding Co. (infra), P can keep the assets and not assume T’s liabilities (unless provided for in K)</li> <li>- N.B. tax treatment not as good as stock swap b/c of realization event.</li> </ul>	<ul style="list-style-type: none"> <li>- Don’t need T’s board’s approval</li> <li>- If TO followed by 2<sup>nd</sup> step merger, P gets complete control w/o minority interest. If no 2<sup>d</sup> step merger, then P still controls T but owes fid. duties to min.</li> </ul>

## Sample Outline #6: The Overview

### Con Law II Quick and Dirty

**Don't forget: you need state action for C to apply**

#### **Equal Protection**

*No state shall deny any person the equal protection of the laws.*

##### **1) Identify the classification**

- a) Proving racial or gender classification: either facially discriminatory or disparate impact + discriminatory purpose/administration. Wash v. Davis

##### **2) Determine the appropriate level of scrutiny**

###### **a) Race, national origin, aliens→strict scrutiny**

- i) Race-specific facial classifications that either benefit or harm minorities→SS

- (1) expressly disadvantage minorities
- (2) Race-specific that burden everyone. Loving, Seattle School District
- (3) Require separation of the races. Brown (inherently unequal)

- ii) Non-race specific classifications or facially neutral laws that disadvantage minorities get SS *if they have discriminatory intent*

- (1) Proving intent:

- (a) leg. history;
- (b) disparate impact + intent.
- (c) extremely disparate impact. Gomillion
- (d) discriminatory administration. Yick Wo
- (e) policy maintained because of (not in spite of) disparate impact.

McKlesky

- (2) If intent, but no disparate impact, probably not enough to violate EP. Palmer v. Thompson

- iii) Voting Districts are special case: are presumed valid.

- (1) SS applies only when P shows race was predominant factor motivating district. Miller v. Johnson (no reason but race for the shape of district)

- iv) Aliens get SS except

- (1) for classifications that relate to sovereign functions and democratic processes
- (2) *Illegal* aliens don't get SS b/c of their illegal conduct. Plyler dicta
- (3) Discrimination against children of illegal aliens not valid. Plyler v. Doe

###### **b) Gender, bastard kids→intermediate scrutiny**

- i) Proving gender classification
  - (1) Facial discrimination
  - (2) discriminatory impact + discriminatory purpose

###### **c) everything else→rational basis scrutiny**

- i) Sometimes rational basis with bite if court doesn't want new suspect class but wants to invalidate law.
  - (1) retarded people. City of Cleburne
  - (2) sometimes wealth classifications. E.g., poll taxes
  - (3) gay people?? Romer maybe

## Sample Outline #7: Reduction to Main Terms

### PROPERTY II

#### I. LANDLORD REMEDIES

- A. Suit for Reserved Rentals – brought when T. withholds rental payments
1. General Rule (majority): if T. breaches, L. does not have to accept a suitable subtenant, does not have to mitigate and may recover full rentals due from lessee.
  2. New Rule (minority) (Wright): views lease as k and landlord does have to mitigate
  3. Generally in absence of clause T can sublet or assign the premises (rare to see lease silent on this point)
    - a. assignment – T transfers entire interest in property to T2  
T2 (assignee) pays directly to L, but T is still liable to assignor if T2 defaults (unless expressly released)
    - b. subletting – T transfers less than his total interest to T2  
T2 (subtenant) pays to T who in turn pays L for rentals.  
Also L has no action against T2.
- B. Suit for Reserved Rentals less Rent Received on Reletting – (The Tents Account Theory)
1. Occurs when T breaches and L enters property and relets it to mitigate damages.
  2. L must have intent to enter and mitigate rather than accepting surrender and giving release. (If surrender is accepted the lease is ended.)
  3. T can then be held responsible for difference between reserved rent in lease and rent paid by new tenant. L cannot sue for damages from reletting until the .....

**Sample Outline #8: Columns Unify Book, Class, Notes**

Subject	Statute	Questions	Cases, Notes
CHAPTER 1			
<u>SUBJECT MATTER</u>	§§ = 102	1. <u>Is it protected by (c)?</u>	Government works?
EXPRESSION	(a)	A. Original?	<u>Bleistein</u> , p. 2
		1. display creativity?	<u>Burrow-Giles</u> , p.8
		2. original conception?	<u>Lees</u> , p. 21
		3. novel? (not generally accepted)	
	Const; 102(a)	B. fixed in tangible medium of expression?	
	301(a) <u>ends</u>	1. federal (“statutory”) ©	<u>Hemingway</u> , p. 31
		2. common law © for ↑ but extemporaneous speed choreography, etc.	p. 30
	102(a)	C. qualify as work of authorship?	104 domiciled here
	117	1. computer programs?	
	102(s)	2. photograph?	<u>Time, Inc.</u> , p. 41
	102(1)	3. factual work? No (fiction – yes)	p. 51-52 12n
	113	4. applied art?	<u>Mazer v. Stern</u> , p. 53, 65
	102(s)	5. character? Unique element of expression	<u>Warner Bros</u> , p. 67 <u>Walt Disney</u> , p.67
	102(5)	6. map?	<u>Amsterdam</u> , p. 78
	102(7)	7. sound recording? Work made for hire? Collect the work?	
	103	8. derivative work? Compilations?	<u>Stodent</u> , p. 85
	103(b)	Embellishments and additions only	<u>G. Ricordi</u> , p. 87
	102(b) 113	9. directory? (low protection)	<u>Leon</u> , p. 91
IDEA		10. work of utility? Content directions?	<u>Baker</u> , p. 96 <u>Morrissey</u> , p. 102

## Sample Outline #9: Flash Cards

BAR/BRI PP. 20-21	EASEMENTS	RP
	- Right to use - <u>No</u> right to possess and enjoy	
<u>Easement appurtenant</u> } 2 tracts of land dominant (benefit) servient (subject)		<u>Easement in gross</u> easement holder acquires right of use of servient tenement <u>independent</u> of possession of other land.
=> 1) benefits must be directly to processor of <u>dominant</u> 2) benefit becomes incident of possession		=> holder is <u>not</u> benefited in his use and enjoyment of possessory estate because of acquisition of privilege
(judicial preference)		NO DOMINANT TENEMENT

EASEMENTS - CREATION		RP
a.	Express Grant	
b.	Express Reservation	
c.	Absolute Necessity – Access	
d.	Implied Grant or Reservation	
	1) previous use	3) Apparent Use
	2) Continuous use	4) Necessity
e.	Prescription	

(back) RP

Implied Grant - (1) prior use

(2) O sells portion

(3) prior use may => Easement by implication

even though no reference to continuation of use

1) Previous (use must be same)

2) Continuous (not sporadic)

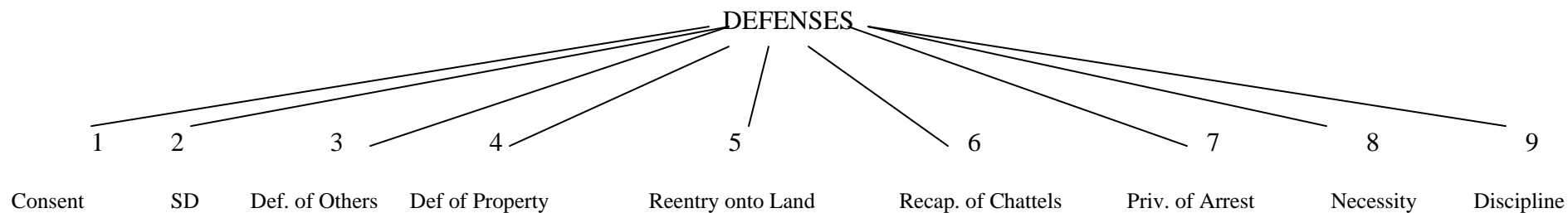
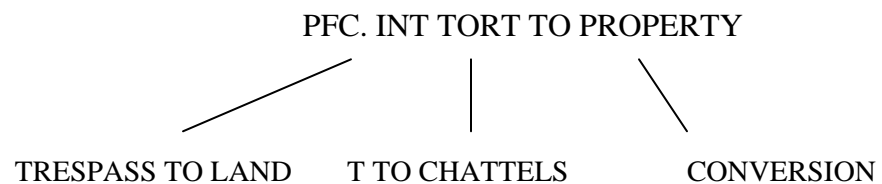
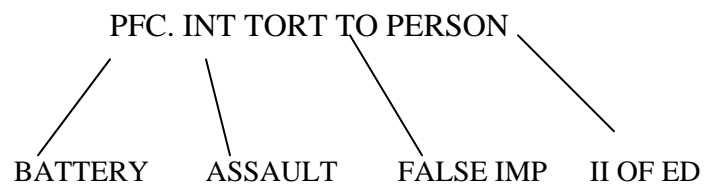
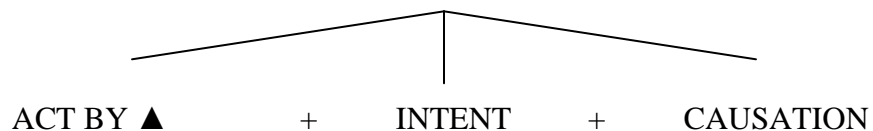
3) Apparent (to anyone making reasonable insp)

4) Necessity (if substitute OK, then no necessity –  
cf. purchase price with substitution price)

**Sample Outline #10: Drawing**

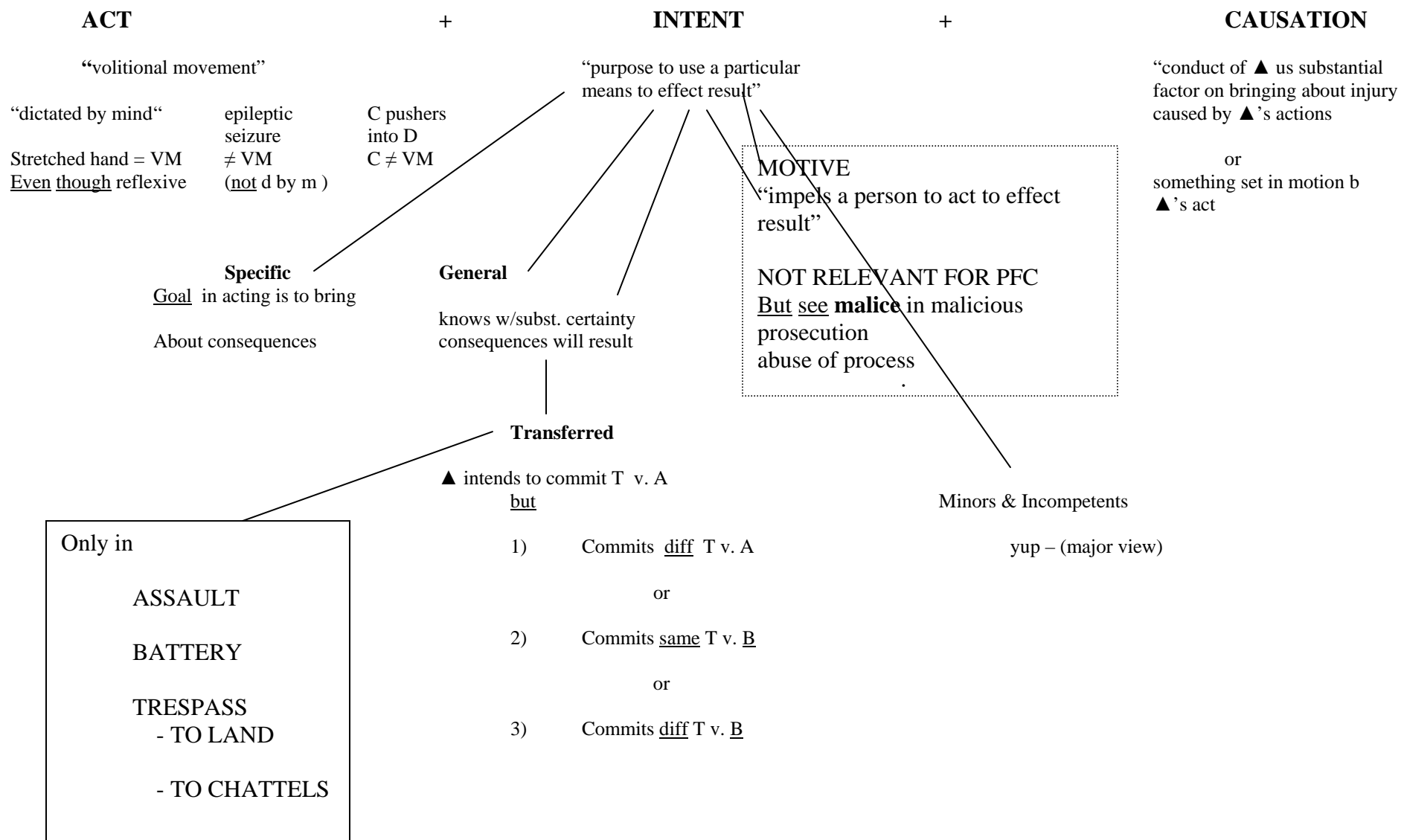
INTENTIONAL TORTS

PRIMA FACIE CASE – GENERALLY



# Sample Outline #11: Detailed Drawing

## INTENTION TORT – PFC – GENERALLY



## SOME POINTS TO CONSIDER ON OUTLINING COURSES

© 1990 Joseph M. Olivenbaum. Reprinted with permission.  
Georgetown University Law Center

### 1. Why bother outlining?

Experience suggests several excellent reasons for outlining courses, even though it's a time-consuming and, in some respects, tedious task. Each of these reasons is related directly both to learning the material and to improving performance on an exam.

The most obvious reason is that outlining draws on the oldest learning technique in the world: repetition helps people to learn and remember. Preparing an outline necessarily requires that students actually look at the material again. The very act of re-reading the material, recalling the ideas and language set forth in the material, traveling again over the mental synapses, tends to anchor that material more firmly in one's memory. If you have the material at your fingertips, you're much less likely to miss some point you should have caught. Since many law school exam questions require students to sift through convoluted fact patterns in order to "spot" issues, students who have a clear memory of what issues were addressed in the course materials will tend to do better than those who don't.

Closely related to the idea of "reviewing as an aid to memory" is the fact that outlining necessarily involves writing. Many students report that the act of writing fixes the material in the memory much more effectively than mere re-reading. The "brain-to-hand-to-brain" connection is one which almost all students will acknowledge; outlining offers another chance to exploit that technique to their advantage.

The writing of an outline can accomplish far more than simply aiding the memory, important as that goal may be. In contrast to much of the law school experience, which in large part requires students to read or listen to the thoughts of others, the writing of anything—including an outline—necessarily involves performance. A student cannot be a passive participant in her own writing. To write is to act—to do something. More specifically, the "something" which a student is required to do, in writing an outline, is to articulate her understanding of the material at hand. It's quite easy to absorb the written or spoken ideas of others, nod your head in agreement, and feel that you understand the subject. To express that understanding yourself, however, can be quite another story. The articulation of ideas forces a precise, focused expression of those ideas; writing forces articulation. The very process of articulation often crystallizes understanding in the first place. And once you've set forth your ideas in words, it becomes much more obvious what you really do understand and what you don't.

Outlining offers several other critical benefits. Preparing an outline forces attention to the major points covered in the material, rather than focusing on relatively minor details. If you've read 30 or 40 or 50 cases in a course, and are attempting to convert that mass of material into a succinct outline, you will have to boil it all down into a usable number of words and ideas. You will have to focus on those ideas which really matter, which the professor has emphasized, around which class discussion has centered, and which come up repeatedly in the cases. You'll have to jettison a huge number of factual, procedural, and even substantive points which are peripheral to the main ideas.

This process of winnowing down a large amount of material is useful in several ways. First, it forces attention to the “big picture” rather than the details. Students must review material from the perspective of what really matters—what’s most relevant. Looking at the material from that viewpoint, rather than from the viewpoint of “I’d better memorize everything in this case because the professor might call on me,” can actually free a student to see what does really matter. On an exam, professors are almost always more interested in the ideas or principles of broad importance, rather than a recitation of less important details or—perhaps worse—an undifferentiated stew of important and unimportant matters, served up at random. Preparing an outline forces students to confront, and think through, this crucial distinction and how to apply it to the material in front of them. Students will have to decide what’s important and why; and, having done so, will be more prepared to emphasize those important points in writing an exam.

Second, the process of sifting through a large amount of material and converting it into an outline format necessarily involves inventing an organization structure. Coming up with an outline—any outline—requires that students think, and make some decisions, about how the material can be organized intelligently: “Let’s see—if there are eight major areas we covered in this course, then I’ll use eight major headings in my outline; and this major heading really should be broken down into these three sub-areas; and this sequence of cases obviously belongs under this sub-heading,” etc., etc. As a result, even though students won’t, and shouldn’t, include everything in an outline, they will have to think about how each part of the course fits into the structure. So it’s likely that simply remembering, for example, “contract damages” will stimulate a recall of the sub-headings the student included under that major heading (e.g., “reliance,” “expectation,” “restitution”) and even of the specific cases which addressed each of those sub-headings. Since the student had to go through the process of examining all of the material to arrange her outline in the first place, it’s already “arranged” in her mind—and therefore more, and more quickly, accessible.

Third, this process is precisely what (most) lawyers actually do. Lawyers are typically faced, in virtually every case, with an unwieldy mass of material which must be boiled down to its essentials. Lawyers constantly struggle to pull what’s relevant from what’s marginally relevant or quite irrelevant. One technique commonly used by lawyers to keep them focused, and to help them avoid drowning in a sea of information is . . . outlining! So this concept is not merely of use in the academic setting, but as professional training as well.

Finally, and possibly most important, preparing an outline forces students to see how each segment of a course relates to the other segments—how it all hangs together. Many first-year students have experienced the sense of fragmentation often produced by the sheer quantity of information presented. Case after case, idea after idea, are thrown at them in each course. Students who have struggled with negligence, for instance, and who finally begin to feel some sense of control over that material, suddenly find that he professor is now moving on to some quite different are, e.g., products liability. “How does this new stuff relate to the old? Does it relate? Worst of all, I thought I had a handle on negligence—but that was last week. Now I can barely remember it; this new material is totally different and requires all my attention.” Since outlining necessarily implies organizing a quantity of material, students will have to step back and specifically look for the connection between all these cases. Many students report that outlining gave

them, for the first time, a sense of how the course was organized—how the law in a given area is organized; whereas when they first read these cases, they were consumed with each case in isolation from the cases they read last week. The sense of connectedness—how the pieces of the law fit together; the concept of the law as a “seamless web”—is exactly what students need to develop in order to perform well on exams and to perform well as lawyers. The law is a body of connected concepts. Product liability does have a relationship to negligence. Torts aren’t separated from contracts by a brick wall. Ideas useful in one area of the law may be equally useful when applied to another area. First-year courses often obscure those connections, even while alluding to them. The newness of the ideas, the quantity of the material, the intellectual difficulty of wrestling with judicial opinions for the first time, all conspire to direct students’ attention to specific cases or specific ideas. Outlining can be an antidote to that (apparently inevitable) sense of fragmentation. One’s focus when outlining must be precisely on connections and overall structure rather than on isolated ideas or cases or “rules.”

## **2. When to outline?**

One option is to wait until almost the end of the semester, and then to undertake the outlining of all courses. This approach has the advantage of placing before the student at one time all of the material covered during the semester, and may therefore facilitate the perception of the connectedness of all the material. It also has the advantage of including material which a professor may have waited, intentionally or unintentionally, until the end of the semester to cover; where that material fills an otherwise confusing gap in the semester’s work, or ties together disparate elements of a course, it’s obviously useful to have that material when preparing an outline. On the other hand, this approach forces the review and integration of a very large, probably unwieldy, mass of material; it guarantees a very long time lapse between the initial exposure to and the review of some of the material; and it virtually demands a lengthy, probably unpleasant, session of outlining for each course.

Another, perhaps preferable, option is to outline chunks of each course during the semester. Some students have adopted the approach of devoting part of each weekend to the review and outlining of one course. Using this approach, a student will revisit each course every four weeks; and will thus have only four weeks’ worth of material to integrate at any one session. The advantages of this approach, or some variation of it, are obvious; but it requires the mental discipline to set up a schedule and stick to it.

## **3. How to outline?**

To a very large extent, how you should outline a given course will depend on your own needs and on the contours of that specific course. Probably your most immediate goal in outlining is to help you prepare for the exam; so your outline should facilitate that goal. If your professor has consistently emphasized one area or one approach over another, you can probably anticipate that her exam will do so as well; and your outline should reflect that emphasis. If you have a clear grasp of the material in a particular

course – if you already have a “feel” for how it hangs together – then your outline can probably be relatively sketchy; just enough to help you recall and organize what you already know. If you’ve found a particular course difficult or unmanageable, then your outline will likely need to be more detailed, with more elaborate explanations drawn from the material.

Your outline must make sense to you. That’s the whole point of outlining at all – to help you understand, and make sense of, the material. There’s no point in adopting labels from someone else, whether from a classmate, professor, or text, if those labels don’t help you understand what you need to know. There’s no point in repeating technical terms in your outline if you don’t understand what mean or how they describe the relevant material. The organization of your outline will be effective only if it actually helps you see the organization of the course and how its pieces fit together in a coherent fashion.

You might try outlining in complete sentences, rather than phrases. This technique will appeal to some students and won’t to others; it might be appropriate to one course but unnecessary for another. One reason for adopting this technique is that it demands the expression of a fully-formed idea – so the outliner must be able to understand and articulate that fully-formed idea. If you can’t do so for one area of the material, you’ll need to spend some time thinking through that area again. Thus, the act of outlining can alert you to areas which need your attention.

Your outline should be succinct. As stated earlier, one major goal of outline is to emphasize the important ideas and to downplay, or eliminate, the less important matters. If you try to include everything in your outline, you’ll obscure that distinction and wind up with too much unusable information. The meaning of “succinct,” of course, will vary with each class and each student; but you should make a conscious effort to condense the material so as to highlight only what’s important. One way of achieving that goal is to make successive outlines, each one refining and condensing its predecessor. If you’ve opted to review and outline each course every four weeks, at the end of the semester you’ll have a fairly lengthy outline already prepared, in the form of a series of shorter outlines. You might then take those “mini-outlines” and boil them down into a comprehensive outline of the course which will be considerably shorter than the “minis.”

In the end, the product is considerably less important than the process. What your outline looks like – exactly what you’ve included or omitted, the sequence you’ve used, the language you’ve used, whether you’ve used full sentences or not – matters less than the fact of having done it. The process of reviewing the material, looking for the connections between its segments, and pulling it all together in a coherent organization, is the whole point. Once you’ve spent the time and mental energy necessary to outline a course so that it makes sense to you, you probably won’t need those sheets of paper at all. It’s the thinking and understanding which matters; the outline itself is merely a means to the end.

#### **4. Should I use another person's outline?**

If it helps you to understand the material, yes! There are plenty of good (and not-so-good) commercial outlines on the market; upper-year students often have the outlines they prepared when they took this course with this professor; and many students form study groups for the purpose of dividing up the task of outlining courses. All of these resources can be helpful. They can help you see how someone else made sense of the materials; they can explain some idea you've been wrestling with; they can offer some other angle you hadn't thought of; they can raise questions which you hadn't thought to ask. BUT . . . relying solely on somebody else's product puts the emphasis on the product, as though that were the point. It's not. As strongly suggested earlier, the point is the process of thinking through the material on your own. You – not your classmate, not the publisher of a study aid – will be taking your exam; so you need to use the technique which will best help you understand and remember the material. It's unlikely that reading, or even memorizing, someone else's work will be as effective in reaching that goal as the process of doing it on your own. Use these other resources to the extent they're helpful; but don't rely on someone else to do your thinking for you.